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**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA**

KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL

**RESOLUTION NO. 2010-023**

**RE: Adoption of Sarasota County Utilities Billing Adjustment Policy**

**WHEREAS**, the Board of County Commissioners of Sarasota County, Florida (hereinafter referred to as the "Board"), is empowered to construct, operate and maintain the Sarasota County Utilities System within the boundaries of Sarasota County pursuant to Chapter 126, Article II of the Sarasota County Code, (hereinafter referred to as the "Utilities System"); and

**WHEREAS**, the Board is empowered to prescribe, fix, establish and collect fees, rates, and other charges (hereinafter referred to as "revenues") for the use of the facilities and services furnished by the Utilities System, to retire outstanding bonds, certificates or other forms of debt, and to provide a margin of safety over and above the total amount of any such expenses; and

**WHEREAS**, the Board has established by separate resolution, rates, fees, and charges (hereinafter referred to as "rates") for customers of the Utilities System; and

**WHEREAS**, such rates encourage water conservation by users of the Utilities System by establishing an inverted tier water rate structure; and

**WHEREAS**, from time to time a substantial increase in the volume of water has flowed through the water meter to a customer where the usage is unaccounted for, unexpected, resulting from unusual or extenuating circumstances, or such other occurrences which are generally beyond the control of the customer (hereinafter referred to as "Abnormal Event"); and

**WHEREAS**, in recognition of the financial impact these occurrences have on the customer, the requirement under the County's outstanding utility bonds that all utility customers pay for the services provided, and the need to have a uniform adjustment policy, the Board finds it necessary to establish guidelines for adjustments to utility bills for users of the Utilities System; and

**WHEREAS**, the Board desires that the policy be equitable, encourage Utilities System customers to be proactive by inspecting, promptly repairing any defects on the plumbing side of the meter, and to discourage repeat requests for adjustment; and

**WHEREAS**, the Board recognizes that because adjustments to utility bills for users of the Utilities System must be done on a timely basis and the adjustments vary based on a particular set of circumstances, it is appropriate to authorize the County Administrator or designee to approve adjustments to the utility bills pursuant to Board approved policy; and

WHEREAS, the Board deems this resolution to be in the best interest of the public health, safety and welfare of the users of the Utilities System.

**NOW, THEREFORE, BE IT RESOLVED, BY THE SARASOTA COUNTY BOARD OF COUNTY COMMISSIONERS, at a duly-advertised public meeting, that:**

1. It is the purpose and intent of the Sarasota County Utilities Billing Adjustment Policy, attached hereto as Exhibit "A" and incorporated herein, to alleviate the financial impact to customers due to an Abnormal Event, while recognizing utility bond covenants require all utility customers to pay for services provided.
2. The Sarasota County Utilities Billing Adjustment Policy (the "Policy") is hereby adopted.
3. The County Administrator or designee is hereby authorized to approve the adjustments to the utility bills for users of the Utilities System pursuant to the purpose and intent of the Policy.
4. This Resolution shall take effect immediately upon adoption.

**PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA this 16th day of February, 2010.**

**BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA**

By: 

Chair

**ATTEST:**

**KAREN E. RUSHING**, Clerk of  
Circuit Court and ex-officio  
Clerk of the Board of County Commissioners  
of Sarasota County, Florida

By: 

Deputy Clerk

## Exhibit A

### Sarasota County Utilities Billing Adjustments

#### **I. WATER BILLING ADJUSTMENTS** **Residential and Multi-Family Customer Accounts**

Water usage credit adjustments shall be calculated using the average cost of water. For adjustment purposes, the average cost of water shall be determined based on the second tier consumption charge in the County Utilities' rate resolution in effect at the time of billing, multiplied by the total amount of usage registered by the water meter. Currently commercial customers are billed a single consumption charge for water; therefore, no adjustment is applicable.

##### **A. Customer Eligibility:**

1. Customers experiencing a plumbing system leak causing excessive water usage on the customer's side of the water meter.
2. Customers experiencing excessive water usage due to an Abnormal Event.

##### **B. Customer Requirements:**

1. In all cases, within one (1) year of the correction of the leak or Abnormal Event, the customer must present to Sarasota County Utilities a written request for an adjustment and the cause of the leak or Abnormal Event must have been corrected.
2. In the case of a leak, the customer must present to Sarasota County Utilities a proof of repair along with the written request for an adjustment.
3. In the case of an Abnormal Event, the customer must verify in writing that the reason for the Abnormal Event has been corrected.
4. Customers shall pay the monthly bill unless other arrangements have been approved by the County Administrator or designee. Adjustments shall appear as a credit on future bills.

##### **C. Adjustment Procedures:**

1. Utilities shall compare the current usage to the usage for the six (6) month period prior to the Abnormal Event to determine that the water usage has returned to normal.
2. Utilities shall encourage prompt repair and reporting of leaks.
3. No credit adjustment shall be provided for more than three (3) consecutive months.
4. No credit adjustments shall be provided for irrigation of new sod or plantings, swimming pool filling, including topping off of swimming pools, pressure washing, or other circumstances where the customer received beneficial use of the water.
5. Utilities may limit credit billing adjustments to one (1) per account in any twelve (12) month period.

## **II. SEWER BILLING ADJUSTMENTS**

### **Residential, Commercial and Multi-Family Customer Accounts**

Sewer usage credit adjustments shall be calculated using the consumption rate as determined by the County Utilities' rate resolution in effect at the time of billing. Sewer usage credit adjustments are subject to monthly billing caps based on the customer class. If sewer billing is not based on metered usage, no sewer usage adjustments shall be allowed.

#### **A. Customer Eligibility:**

1. Customers experiencing a plumbing system leak causing excessive water usage on the customer's side of the water meter that results in higher than average sewer usage billing.
2. Customers experiencing an Abnormal Event that results in higher than average sewer usage billing.

#### **B. Customer Requirements:**

1. In all cases, within one (1) year of the correction of the leak or Abnormal Event, the customer must present to Sarasota County Utilities a written request for an adjustment and the cause of the leak or Abnormal Event must have been corrected.
2. In the case of a leak, the customer must present to Sarasota County Utilities a proof of repair along with the written request for an adjustment.
3. In the case of customers experiencing excessive water usage resulting in higher than average sewer usage billing due to an Abnormal Event, the customer must verify in writing that the reason for the Abnormal Event has been corrected.
4. Customers shall pay the monthly bill unless other arrangements have been approved by the County Administrator or designee. Adjustments shall appear as a credit on future bills.

#### **C. Adjustment Procedures:**

1. Utilities shall compare the current usage to the usage for the six (6) month period prior to the Abnormal Event to determine that the usage has returned to normal.
2. Utilities shall encourage prompt repair and reporting of leaks.
3. No credit adjustment shall be provided for more than three (3) consecutive months.
4. Sewer credit adjustments are limited to one (1) per account in any twelve (12) month period.
5. Sewer credit adjustments will only be allowed for events that did not generate sewer flows, i.e. outdoor leaks, swimming pool filling, underground leaks, etc.
6. No credit adjustments will be provided for the topping off of swimming pools.

### **III. OTHER BILLING ADJUSTMENTS**

#### **All Customer Classes**

#### **A. Undercharges**

Utilities may not backbill undercharges to a customer account which is the result of a Utilities' error for a period greater than twenty-four (24) months from the time the issue was identified. Utilities shall allow the customer to pay for the undercharges over the same period of months as the undercharges occurred or some other mutually agreeable time. Such occurrences may include, but are not limited to, meter misreads, incorrect rate application, meter exchanges or other circumstances. Undercharges required for situations that were not a result of a Utilities' error shall not exceed forty-eight (48) months from the time the issue was identified.

#### **B. Overcharges**

Utilities may issue a credit for any prior overcharges to a customer account for any period up to twenty-four (24) months from the time the issue was identified. Such occurrences may include, but are not limited to, meter misreads, incorrect rate application, meter exchanges or other circumstances. Any overcharges that result in a credit shall initially be applied to any other charges owed to Utilities. Upon written request by the customer, Utilities may issue a refund for any remaining credit balance.

#### **C. Irrigation Only Accounts**

No credit adjustment will be provided for irrigation only accounts regardless of class unless approved by the County Administrator or designee.

#### **D. Late Charges**

Customer may request and receive an adjustment of a late charge on a case-by-case basis one (1) time per calendar year. Accumulated late charges incurred during a billing investigation may be adjusted upon approval of the County Administrator or designee.

#### **E. Miscellaneous Charges**

Customer may request and receive an adjustment of miscellaneous charges on a case-by-case basis and are subject to approval of the County Administrator or designee.

#### **F. Other Adjustments**

Other credit adjustments for customer accounts due to unusual or extenuating circumstances, or occurrences generally beyond the control of the customer may be considered on a case-by-case basis and are subject to approval by the County Administrator or designee.

**IV. UNEXPLAINED ONE-TIME USAGE ADJUSTMENT WRITE-OFF  
Residential Customer Accounts Only**

Residential customer accounts experiencing higher than average water usage for no more than two (2) consecutive billing periods due to unexplained circumstances may be eligible for a one-time water and/or sewer billing adjustment write-off.

**A. Customer Eligibility:**

1. Customers experiencing excessive water usage on the customer's side of the water meter due to unexplained circumstances.

**B. Customer Requirements:**

1. In all cases, within one (1) year of the Abnormal Event the customer must present to Sarasota County Utilities a written request for an adjustment.
2. Customer may be required to grant access to Utilities' personnel in order to perform a site visit to investigate any factor that may have created an unexplained usage event. Such investigation will be performed during normal Utilities business hours.
3. Customer may be required to have a certified plumber inspect the property for plumbing issues and submit an affidavit provided by Utilities of any findings.
4. Customer may be required to read their water meter for a period of approximately seven (7) days or submit a written request for a meter calibration test. Should the water meter test within accuracy limits for water meters, the customer shall be responsible for paying the approved fee of such test.
5. Customer shall be responsible to pay the monthly bill unless other arrangements have been approved by the County Administrator or designee. Adjustments shall appear a credit on future bills.

**C. Adjustment Procedures:**

1. Utilities shall compare the current usage to the usage for the six (6) month period prior to the Abnormal Event to determine that the water usage has returned to normal.
2. No unexplained usage write-off will be allowed where water usage occurred for more than two (2) consecutive billing periods.
3. An unexplained usage waiver adjustment write-off will only be allowed one (1) time for the lifetime of the account. Utilities shall record this in the customer account records.
4. Utilities may offer the customer the option of a utilities billing adjustment as set forth in Sections I and/or II above in order to preserve the customer's one (1) time unexplained usage adjustment write-off as set forth above.