

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT A SETTLEMENT WITH ATLANTIC RESOURCES CLARKSON EMERALD GREEN, LLC.

WHEREAS, in 2010, the City experienced significant delays in billing for a number of large multifamily residential customers; and

WHEREAS, among the reasons for these delays included (i) the new tiered water and sewer rate structure, and (ii) missing meter exchange data in connection with the installation of automated meter readers; and

WHEREAS, the City has been dealing with customers who used water for years while receiving bills that included base charges but no usage charges; and

WHEREAS, Atlantic Resources Clarkson Emerald Green, LLC. ("Emerald Green Apartments"), located at 4300 Sheridan Street, was one of the customers that did not receive its water bill for the timeframe from December 21, 2009 to August 10, 2010; and

WHEREAS, during this timeframe, the property incurred a broken potable water pipe that caused underground leakage; and

WHEREAS, upon discovering that Emerald Green Apartments did not receive a bill, the City sent another water bill, and upon receipt of the bill with the high usage amount charges, Emerald Green Apartments discovered the broken potable water pipe that resulted in underground leakage and fixed the leak; and

WHEREAS, Emerald Green Apartments claim that the City should be responsible for the charges in excess of the average bill during this timeframe; and

WHEREAS, as Emerald Green Apartments does have knowledge that it receives a water bill each month, it is incumbent upon the owner to contact the City when a bill has not been received, especially over an eight month period; and

WHEREAS, in an effort to recognize the sharing of fault for the timeliness of the billing situation and the leakage issue, the City has offered to settle with a payment from Emerald Green Apartments representing 25.65% of the outstanding balance amount that would otherwise be due and owing, with the remaining balance to be written off by the City; and

WHEREAS, said settlement amount does not include the most recent water bill;
and

WHEREAS, the total outstanding amount for Emerald Green Apartments for the period during which no bill was sent and the leakage occurred was \$159,858.03, including the utility tax, which results in a proposed settlement payment from Emerald Green Apartments of \$41,000.00; and

WHEREAS, Emerald Green Apartments has agreed to the City's settlement offer;
and

WHEREAS, under City Code Section 41.05(B)(4) regarding claims for money owed to the City, City Commission approval is required where the total amount being forgiven is in excess of \$25,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That the above-described settlement is approved.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida only.

DOUGLAS R. GONZALES, CITY ATTORNEY