

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 APOGEE  
CONDOMINIUM ASSOCIATION.

WHEREAS, over the past several years, the Department of Public Utilities has encountered a problem with stuck meters - meters that stopped registering water consumption; and

WHEREAS, it is not clear what caused the stuck meters, but it is clear that Data Management Associates (“DMA”), the corporation that formerly managed customer service and read the water meters, negligently failed to notice and bring the situation to the City’s attention; and

WHEREAS, Public Utilities took over the management of Utility Billing in January, 2015 and had not implemented its stuck meter detection process until later; and

WHEREAS, when a meter ceases to register, the City estimates usage based on usage during the previous 12 months or the current 12 months if the previous 12 months are not available; and

WHEREAS, in an effort to recognize the sharing of fault for the “stuck meter” situation, the City has offered to settle the estimate bills for 50% of the estimated amount that would otherwise be due and owing, with the remaining balance to be paid over a period of five years; and

WHEREAS, one customer that is involved in this situation is Apogee Condominium Association (“Association”), which received bills with no usage charges from approximately March 13, 2014 to December 18, 2017; and

WHEREAS, the City initially billed Association for usage charges for that period of time in the amount of \$104,803.12; however, in reviewing the usage history for this customer, it appeared that some of the average water consumption was still under the developer’s responsibility and the developer had not transferred ownership to the Association at that time; and

WHEREAS, in re-evaluating the usage history, it was discovered that the Association also experienced two consecutive high bills as a consequence of a broken irrigation pipe, which was not the fault of the Association, and as such these bills need to be excluded from the average water consumption; and

WHEREAS, based upon the aforementioned review of the usage history, the usage charges were re-calculated and the total estimated bill for the Association for the period during which the meter was stuck is \$42,192.41 including the utility tax, which results in a proposed settlement for \$21,096.21; and

WHEREAS, the Association has agreed to the City's settlement offer; and

WHEREAS, under Section 41.05(B)(4) of the City's Code of Ordinances 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