

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 THE HOMES AT
EASTLAKE HOMEOWNERS' ASSOCIATION, INC.

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; and

WHEREAS, in an effort to recognize the sharing of fault for the "stuck meter" situation, the City has offered to settle the estimated 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 The Homes at Eastlake Homeowners' Association, Inc., which received bills with no usage charges from approximately March 28, 2013 to January 16, 2018; and

WHEREAS, the City initially billed The Homes at Eastlake Homeowners' Association, Inc. for usage charges for that period of time in the amount of \$263,842.06, however, in reviewing the usage history for this customer, it appeared that the monthly usage for the months of January 1998, March 1998, and July 1998, appeared to fluctuate between excessively high usage and low usage; and

WHEREAS, based upon the review of the usage history, the usage charges were re-calculated and the total estimated bill for The Homes at Eastlake Homeowners' Association, Inc. for the period during the meter was stuck is \$193,770.39, including the utility tax, which results in a proposed settlement of \$96,885.20; and

WHEREAS, The Homes at Eastlake Homeowners' Association, Inc. have 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 exceeds \$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