

RESOLUTION NO.: 16-16

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LIVE OAK, FLORIDA, ESTABLISHING A
WATER LEAK ADJUSTMENT POLICY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Live Oak, Florida ("City") finds it in the public interest to establish a water leak adjustment policy to address concerns and questions of quality customers who have experienced an unusually high water/sewer bill.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF LIVE OAK, FLORIDA, AS FOLLOWS:**

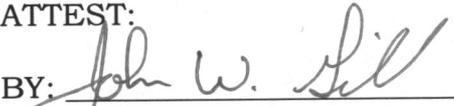
Section 1. The City hereby establishes and authorizes the attached water leak adjustment policy.

PASSED AND ADOPTED at the meeting of the City Council this 13th day of December, 2016.

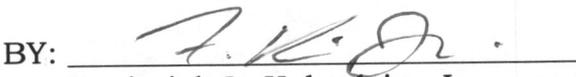
CITY OF LIVE OAK, FLORIDA

BY: 
Keith Mixon
President, City Council

ATTEST:

BY: 
John Gill
City Clerk

APPROVED AS TO FORM AND CONTENT:

BY: 
Frederick L. Koberlein, Jr.
City Attorney



WATER LEAK ADJUSTMENT POLICY - Residential Customers

The purpose of this policy is to provide the City of Live Oak Finance Department with a written policy regarding residential billing adjustments for water leaks on the customer (or property) side of the meter.

Utility customers are responsible to investigate and monitor higher than expected usage and to make necessary property side repairs to service lines, fittings and fixtures at their own expense and to avoid letting water run to waste. When a water leak occurs, even though the water is not used by the customer, it has been treated and provided by the utility.

To help mitigate the financial burden of a significant leak through no fault of the customer the City has developed the following guidelines for adjustments.

Upon receiving customer's request for adjustment, the Finance Director, together with the City Manager, will review the account history and work with the customer to determine whether the high usage is caused by a leak or by a qualifying Unexpected Excessive Usage event. Water leaks that qualify for adjustments typically happen in the line between the water meter and the customer's home. Unexpected Excessive Usage adjustments are allowed when high consumption is caused by an issue the customer was unaware of until they received their water bill. A broken or stuck toilet flap that has produced no visible signs of damage is an example of an event that would qualify for Unexpected Excessive Usage adjustment.

Adjustments will not be allowed when high usage is caused by a customer's water usage habits. Hot tubs, swimming pools, and watering plants during dry weather are examples of water usage habits that can be expected to use a significant amount of water and do not qualify for an adjustment.

To qualify for an adjustment, the leak must be identified and repaired within 72 hours of discovery, notification, or utility bill reflecting the high usage and customer's water usage must have returned to normal levels. The customer is required to provide repair receipts to the City within 30 days of repair.

A determination of whether an adjustment is granted shall be made at the sole discretion of the City Manager or his or her designee and shall be final. In making the determination, the City may consider the cause of the water loss, the consumer's opportunity, if any, to



detect it, any negligence or fault of the consumer in connection with the water loss, and the promptness with which the water loss was discovered and repairs made.

- 1) The City may adjust the customer's account for the water loss subject to the following conditions
 - a) The City after investigation may find all of the following
 - i) The meter was operating accurately;
 - ii) The repair of the leak has been verified;
 - iii) There was no evidence that the excessive use was due to the intentional or negligent act of the consumer;
 - iv) After discovery of the leak or being notified by the City via billing, post card, letter, door hanger, or by any other means, the customer took prompt and reasonable action to ascertain the cause of the excessive use and to correct it within seventy-two (72) hours;
 - v) Proof of repair was received by the City within thirty (30) days from the billing date for the period in which the water loss occurred or within thirty (30) days of repair.
 - vi) The customer's account is in good standing up to the beginning of the time of the leak (the month prior to the leak is paid).
 - vii) The property has not received a leak adjustment in the past twenty-four (24) months (with the exception of (e)).
 - b) The amount of water loss may be determined by the Finance Director. Excess usage, because of a property-side leak, must exceed average normal usage by at least 1,000% to qualify for an adjustment.
 - c) Average normal usage will be calculated by using the average usage during the same billing period or periods of the preceding twelve months when representative of the customer's normal use. If no usage is available, an estimation can be calculated until a pattern of usage is established to confirm adjustment appropriate.
 - d) Water loss adjustments will be limited to two billing periods.
 - e) Water loss adjustments will be limited to one adjustment every twenty-four (24) months. The twenty-four (24) month period begins the first month of the billing period following the last billing period for which the *water* loss adjustment was prepared. A second water loss by a customer would be eligible, to substitute for the first adjustment, if the customer so requests during the twenty-four (24) month period. If such an adjustment is requested and it is determined to be eligible, the total adjustment will be equal to the larger of the two leaks in the twenty-four (24) month period after the first adjustment.
- 2) Water consumption not subject to the water loss calculation (customer's normal use) shall be billed at the appropriate tier *and* tier rate.



- 3) The customer is responsible to promptly pay, at least, their average monthly utility bill during the pending leak application process.
- 4) The customer will be responsible for the payment of excess units calculated at 50% of the lowest residential rate tier.
- 5) If it cannot be confirmed that the excess water did not pass to the sewer system it will be assumed that it did enter the sewer system. A similar adjustment to the excess water usage may also be applied to the Sewer charges.
- 6) Payment of the excess usage at the adjusted rate is due by the customer upon receipt of the determination letter or new billing reflecting the adjusted amount due. If the customer is unable to pay the adjusted billing for the excess usage, the Finance Director is authorized to establish a payment plan of three (3) to six (6) months, not to exceed six (6) months.