

RESOLUTION # 09-02

RESOLUTION OF THE BOARD OF COMMISSIONERS AMENDING THE RULES AND REGULATIONS MANUAL (RESOLUTION 05-01) TO CREATE A METER REPLACEMENT FEE, AND DEVELOP A SYSTEM FOR DETERMINING TAMPERING FEES.

WHEREAS, the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT (hereinafter referred to as the "Board") is empowered to construct, operate and maintain a Water and Sewer System (the "System") within the boundaries of the lands described in Florida Statute Chapter 2005-298; and

WHEREAS, the Board is authorized and empowered to make rules and regulations for its own government and proceedings; and

WHEREAS, the Board is empowered to prescribe, fix, establish and collect fees, rentals or other charges for the use of the facilities and services furnished by said System, said fees to be fixed and revised from time to time; and

WHEREAS, the Board wishes to clarify the language with regard to meter tampering; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE IMMOKALEE WATER AND SEWER DISTRICT, in public meeting assembled that the following changes to the Rules and Regulations be implemented:

1. A Meter Replacement Fee (\$25.00) will be created that will be charged to accounts when the meters are *damaged* and must be replaced, and there is no suspicion of tampering. This fee is used in addition to the other costs associated with the replacement of the meter, *which would include the cost of the entire meter, antennae, meter register, etc.*
2. The Meter Tampering Fee (Meter Tampering -1st Offense - \$100.00, 2nd Offense - \$200.00) will be assessed when it appears that the meter *was intentionally damaged*. In addition, costs of replaced parts will also be charged in each instance where it is determined that the meter has been tampered with. If the meter is on a property that is deemed to be commercial or rental property, the property owner will be notified.

Determination of Tampering:

Field officer brings to the attention of the Distribution Coordinator. Customer and property owner is notified. Photo of area, and tampered meters are taken. Final approval to charge tampering fees is given to the Executive Director.

The customers past history and present standing will be taken into consideration.

For purpose of evidence all accounts suspected of tampering shall be photographed, at different angles by the Distribution Coordinator, before the meter is removed.

It should meet the threshold of some or all of the following “**Acts of Malice**”:

- 1) Attempting to avoid or show accurate water reading; by: breaking glass to make meter unreadable, cutting wire to transponder, tampering with antennae, or using any other method to make the reading unobtainable.
- 2) Stealing water by cutting locks or wings, removing water meter, replacing with another meter, or inserting any device to bypass meter and deliver water to supply side of incoming line to the customer.
- 3) Any device set on or near with the purpose of giving false reading of electronic meter is an act of tampering.
- 4) Cutting wings to avoid securing meter in an “off” position is an act of tampering.

Meter Damage (Not an “Act of Malice”)

Any act beyond the control of the customer should not warrant tampering charges, and should be left to the discretion of the Executive Director, of the District.

Meter Failure

Is when the meter fails to perform to standards set by District and or contracting regulations and should be replaced at no additional charge to customer.

This resolution shall become effective on October 15, 2008.

If any phase or portion of this Resolution is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

PASSED AND DULY ADOPTED by the Board of Commissioners of the IMMOKALEE WATER AND SEWER DISTRICT, this 15th day of October, 2008

**BOARD OF COMMISSIONERS
IMMOKALEE WATER AND SEWER DISTRICT**

BY: _____
Anne Goodnight
Chair

BY: _____
Pete Cade
Secretary