

**Minutes of the Water and Utility  
Billing Committee Meeting  
September 4, 2014**

Attendees: Walt Powers, Bob Walker, Jim Wiley, Bill Mosca, Tim Morgan, Al Heyman,

Guests: Rita Verona, Rita Anderson, Henry Lackland, Richard Knaub, Denny Knaub.

**New Business**

1. Motion to approve the minutes of the August 7, 2014 meeting was made by Wiley, seconded by Mosca. The motion carried. The minutes of the August 7 meeting were approved.
2. The Monthly Activity report for September and the Past Due reports were discussed. The past due report has not changed. Walt will ask the Board to write-off Clevenger, Estime. These properties have changed ownership without liens placed on the properties. Two other properties with accounts listed as Aurora (Bay Ridge) and Mack need to be contacted and served if necessary so the process of placing a lien on those properties can begin.  
  
The process of placing a lien was discussed and it is estimated that it should cost less than \$1,000 to place a lien on a property. The process to place a lien on a property is as follows: 1. Serve the delinquent account holder. This is difficult because the delinquent account holder is often difficult to locate. 2. Once served, case is taken to Conciliation Court. 3. A judgment is rendered from Conciliation Court. 4. A lien is placed on the property.
3. There was a discussion of the August Billing Register noting that there are numerous accounts that indicate no irrigation usage for multiple months but watering is taking place on some of these properties. Rita Verona agreed to work with the field to determine if the zero irrigation meter readings indicate a defective meter.
4. A policy was adopted at the August 19, CDD Meeting on back billing for broken meters.
5. Logan's Pointe irrigation billing. At the August CDD meeting, rule Section 3.4 Application for Service was adopted. This rule states that bills will only be sent to the consumer/property owner. Bill Mosca was very unhappy with the CDD action and presented how Logan's Pointe has done billing since the neighborhood began. Bill followed his discussion with the motion below.

## MOTION

The water and Utility Billing Committee seeks clarification from the RCDD Board, the District Manager and the District Counsel as to how to interpret Rule 3.4 with respect to:

- whether or not **tenants holding a lease of one year or longer** can be billed directly,
- if not, can the owner's bill be sent **c/o the tenant** so the tenant pays the bill directly when that is required under the lease agreement and agreed to by both parties, and
- whether, and in what situations, Homeowners Associations can be billed for utility services provided to Neighborhoods within and /or under the Riverwood Community Association.

It is the Committee's opinion that Rule 3.4 was not intended to prevent the RCDD from billing a Homeowners Association - such as Marlin Cove - - for utility services imposed on the Members of the Association by their Declaration. (While the RCDD may consider it "unfair" that the owners of smaller lots are - perhaps - paying for the higher water usage by the owner's of the larger lots such disparity is lot significant in Marlin Cove where the Lots are roughly the same size.) We therefore ask the Board to revert back to the long established practice of billing the Marlin Cove HOA as spelled out in Section 9.12 of their Declaration and refund all monies already paid by the individual members.

We feel the Board should reconsider the appropriateness of applying Rule 3.4 to the Logan's Pointe Neighborhood where the situation is not as clearly spelled out. Centex set up up Logan's Pointe and Bailey's Pond as the only two Neighborhoods within Riverwood where irrigation water was assessed as a Neighborhood resource. (The unincorporated Neighborhoods in Sawgrass might well have been set up the same way had Centex not decided they should be provided with free irrigation water through the golf-course supply lines.) Bailey's Pond voted to end community-wide billing several years ago. Logan's Pointe on the other hand has held two votes on the issue. The Neighborhood voted 29-3 (or so) and 18-12 to keep community-wide billing.

We recommend that application of Rule 3.4 to Logan's Pointe be suspended until the end of the year to avoid double billing issues, assessment adjustments, etc. Such a move would provide sufficient time for the RCDD and the RCA to consider the matter and to reach a mutually satisfactory resolution to the issue. This would also allow the Logan's Point residents sufficient time to reach a community agreement that it is perhaps time to move on to individual billing and still retain the ability to manage its water usage as they do today.

There was no second to the motion and it died. Bill then asked to make each of the paragraphs a separate motion. Walker seconded the motion as the last paragraph as shown below.

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The discussion that followed noted that the Section 3.4 billing process has already begun and it would be difficult to change this process. Logan's Pointe owners were already billed for their individual usage on their August bill. Walt explained he had already talked to the RCA treasurer and told her if Logan's Pointe had paid for irrigation in their quarterly assessments and were now being billed individually for their irrigation, they would simply be under budget for the year and have a surplus they could apply the following year, and reduce their assessments for the coming year. They were not being double billed because the neighborhood combined account was no longer being billed.

Walt called for the question and the vote on the motion failed, 1 aye and 5 nay.

## **OLD BUSINESS**

6. A rule change to allow prorated billing was adopted at the August 19, CDD Meeting.

7. NHC Certified Water Franchise Area. NHC is considering the Riverwood proposal to reduce the number of sewer units billed to compensate them for the loss of water accounts in Riverwood. NHC should act on the proposal in September and notify Riverwood.

8. Irrigation Issues. No issues. The pump station is working properly and Charlotte County is supplying irrigation water per the recent agreement. If the pond level reaches the 5.0-5.2 feet, the County will reduce the water they supply to keep the pond from overflowing.

9. Update on SWFWMD-WUP for the CDD. The final information and data request by SWFWNMD was supplied. The permit will likely be issued in the next 30 days.

10. CCU additional water main. Riverwood is waiting for the county to supply a map of the proposed new franchise area for water and sewer. No other action can be taken until the map is received.

13. Adjournment. Wiley/Heyman made a motion to adjourn the meeting. The motion carried and the meeting adjourned at 3:32 PM.