

RESOLUTION NO. 2026- 52

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, DIRECTING TOWN STAFF AND THE TOWN ATTORNEY TO REVIEW THE ADOPTION, INTERPRETATION, IMPLEMENTATION, AND BILLING OF WATER AND WASTEWATER RATES UNDER ORDINANCE NO. 2024-10, RESOLUTION NO. 2024-40, AND RESOLUTION NO. 2025-10; REQUIRING WRITTEN FINDINGS TO THE TOWN COUNCIL WITHIN FOURTEEN TOWN BUSINESS DAYS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 3, 2024, the Town Council adopted Ordinance No. 2024-10, which repealed Ordinance Nos. 97-07 and 2016-4 and provided for future adoption of water and wastewater rates, fees, and connection charges by resolution; and

WHEREAS, on December 3, 2024, the Town Council adopted Resolution No. 2024-40 and its Exhibit A, setting out water and wastewater base charges and usage charges for specified fiscal years; and

WHEREAS, the original Exhibit A listed usage ranges and dollar amounts but did not expressly state the unit to which each usage charge applied or how charges across usage ranges were calculated; and

WHEREAS, on July 1, 2025, the Town Council adopted Resolution No. 2025-10, amending Exhibit A to state that usage charges are based on each 1,000 gallons used; and

WHEREAS, since January 2025, Town staff has advised the Town Council that the issues concerning the utility rate structure, its interpretation, and its implementation remained under review; and

WHEREAS, because the review has continued without final written findings or recommended action, the Town Council has lost confidence that the administration will complete and act upon the review on its own without a firm deadline established by the Town Council; and

WHEREAS, the Town Council recognizes that, if the review determines that the Town made a billing or rate-implementation error that caused residents or businesses to be overcharged, the Town has a responsibility to promptly reimburse or credit the affected residents and businesses in accordance with applicable law; and

WHEREAS, the Town Council wishes to receive a documented review of the governing enactments, applicable law, billing records, customer notice, and any available options for addressing billing questions;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:

Section 1. Direction and records. The chief administrative officer, the finance and utility billing staff, and the Town Attorney are directed to review the matters identified below. Staff shall make available to the Town Attorney the adopted and codified enactments, the utility rate study and supporting schedules, meeting notices and minutes or recordings, customer billing notices, billing policies and software settings, representative bills, and other records needed for the review. The review shall distinguish the period before July 1, 2025, from the period after adoption of Resolution No. 2025-10.

Section 2. Questions for review. The written findings shall address, at a minimum:

- (a) Whether Ordinance No. 2024-10 validly authorized adoption of the rates by resolution in light of any Town Code provision requiring an ordinance, and whether a further code amendment or ratifying action is advisable;

- (b) What Resolution No. 2024-40 and its original Exhibit A actually prescribed concerning the unit of usage, application of the listed usage ranges, and calculation of a water or wastewater bill, including a worked example for 40,000 gallons of residential water use;
- (c) The legal effect and effective date of Resolution No. 2025-10, including whether its express per-1,000-gallon language may be applied to usage billed before its adoption;
- (d) Whether notice required by section 180.136, Florida Statutes, and any other applicable adoption or public meeting requirements was given before the relevant rate increases; and
- (e) Whether the rates actually billed matched the governing rates for each relevant period; the scope of any discrepancy, including estimated affected dates and accounts; and legally available corrective options, including prospective clarification, credits, refunds, or other appropriate action.

Section 3. Written findings and deadline. Within fourteen (14) Town business days after adoption of this Resolution, excluding the date of adoption and days on which Town Hall is closed, staff and the Town Attorney shall deliver their written findings and recommendations to every member of the Town Council through the Town Clerk. The report shall identify the records reviewed, state any material factual disputes or missing records, distinguish staff findings from legal conclusions, and cite the legal authority for the conclusions. The Town Clerk shall place the report on the agenda of the next practicable public Council meeting, subject to applicable public records and attorney-client confidentiality law.

Section 4. No predetermined outcome. This Resolution requests findings and recommendations. It does not determine that any rate, bill, or prior Council action was lawful or unlawful; change any rate; order a refund or credit; or waive any right or defense of the Town or a customer.

Section 5. Effective date. This Resolution takes effect immediately upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Eatonville, Florida, this ____ day of _____, 2026.

ATTEST:

TOWN OF EATONVILLE, FLORIDA

Town Clerk

Mayor

Approved as to form and legal sufficiency:

Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

DECEMBER 3, 2024, AT 7:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE:

Approval of **Second** Reading of Ordinance 2024-10 – Repealing Ordinance No. 97-07 And Ordinance No. 2016-4; Providing for the Future Adoption of Water And Wastewater Service Rates and Fees By Resolution (**ADMINISTRATION**)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: (ADMINISTRATION)
PUBLIC HEARING 1ST / 2ND READING	YES	Exhibits: • Ordinance 2024-10
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Request is made for Town Council to Approve the Second Reading of Ordinance 2024-10 – Repealing Ordinance No. 97-07 and Ordinance No. 2016-4; Providing for the Future Adoption of Water And Wastewater Service Rates and Fees By Resolution.

SUMMARY: the Town previously adopted Ordinance No. 97-07 and Ordinance No. 2016-4 establishing water and wastewater service rates, fees, and connection charges to support the Town’s utility services and infrastructure. On September 3, 2024, the Town Council adopted Resolution No. 2024-4 and Resolution No. 2024-25, which updated the Town’s Asset Management and Fiscal Sustainability Plan (the “Asset Management Plan”) to include the Water System Improvements and Wastewater Utility System Improvements recommended by the Florida Rural Water Association. Pursuant to and in accordance with the updated Asset Management Plan, the Town has determined that it is necessary to revise the water and wastewater service rates to ensure the continued provision of high-quality services to the Town’s residents and businesses. Town desires to repeal previous ordinances setting water and wastewater rates and fees and to establish a new procedure for adopting and updating such rates and fees by resolution of the Town Council. The repeal of Ordinance No. 97-07 and Ordinance No. 2016-4 and the adoption of updated rates by resolution will promote the public health, safety, and welfare of the Town of Eatonville.

The first reading was held on Tuesday, November 5, 2014.

RECOMMENDATION: Recommendation is for Town Council to Approve the Second Reading of Ordinance 2024-10 – Repealing Ordinance No. 97-07 and Ordinance No. 2016-4; Providing for the Future Adoption of Water And Wastewater Service Rates and Fees By Resolution

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, REPEALING ORDINANCE NO. 97-07 AND ORDINANCE NO. 2016-4; PROVIDING FOR THE FUTURE ADOPTION OF WATER AND WASTEWATER SERVICE RATES AND FEES BY RESOLUTION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town previously adopted Ordinance No. 97-07 and Ordinance No. 2016-4 establishing water and wastewater service rates, fees, and connection charges to support the Town's utility services and infrastructure; and

WHEREAS, on September 3, 2024, the Town Council adopted Resolution No. 2024-4 and Resolution No. 2024-25, which updated the Town's Asset Management and Fiscal Sustainability Plan (the "Asset Management Plan") to include the Water System Improvements and Wastewater Utility System Improvements recommended by the Florida Rural Water Association; and

WHEREAS, pursuant to and in accordance with the updated Asset Management Plan, the Town has determined that it is necessary to revise the water and wastewater service rates to ensure the continued provision of high-quality services to the Town's residents and businesses; and

WHEREAS, the Town desires to repeal previous ordinances setting water and wastewater rates and fees and to establish a new procedure for adopting and updating such rates and fees by resolution of the Town Council; and

WHEREAS, the repeal of Ordinance No. 97-07 and Ordinance No. 2016-4 and the adoption of updated rates by resolution will promote the public health, safety, and welfare of the Town of Eatonville.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE:

SECTION 1. Recitals. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

SECTION 2. Repeal. Ordinance No. 97-07 and Ordinance No. 2016-4 are hereby repealed in their entirety.

SECTION 3. Adoption of Rates by Resolution. Future water and wastewater service rates, fees, and connection charges shall be established and may be adjusted by resolution of the Town Council in accordance with applicable laws and procedures.

SECTION 4. Non-codification. The provisions of this Ordinance shall not be included or incorporated within the Code of Ordinances of the Town of Eatonville.

SECTION 5. Conflicts. All Town ordinances or parts thereof in conflict herewith are, to the extent of such conflict, repealed.

SECTION 6. Severability. If any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 7. Effective Date. This Ordinance shall become effective upon its adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its first reading on November 5, 2024.

Upon motion duly made and carried, the foregoing Ordinance was approved upon its second reading on December 3, 2024.

TOWN OF EATONVILLE

Attest:

Angie Gardner, Mayor

Veronica King, Town Clerk

Approved as to form:

Clifford B. Shepard, Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

DECEMBER 3, 2024, AT 7:30 PM

Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Approval of Resolution 2024-40 Implementing Increased Water and Wastewater Service Rates (**Administration**)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1ST / 2ND READING		Exhibits: • Resolution 2024-40 (Refer to Workshop Docs) • Resolution 2024-24 (Refer to Workshop Docs) • Resolution 2024-25 (Refer to Workshop Docs)
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Respectfully requests approval of Resolution 2024-40 Implementing Increased Water and Wastewater Service Rates

SUMMARY: The Town Council engaged the Florida Rural Water Association to conduct a comprehensive utility rate study to evaluate the Town's current water and wastewater service rates. The rate study concluded that the existing rate structure requires updating to reflect increases in operational costs, ensure appropriate levels of service, and provide adequate funding for necessary capital improvements.

On September 3, 2024, the Town Council adopted Resolution No. 2024-4 and Resolution No. 2024-25, which updated the Town's Asset Management and Fiscal Sustainability Plan (the "Asset Management Plan") to include the Water System Improvements and Wastewater Utility System Improvements recommended by the Florida Rural Water Association.

The Town Council has since adopted Ordinance No. 2024-10, repealing a prior ordinance that established utility service rates and authorizing the Council to set updated rates by resolution. the Town Council finds that adopting the updated rates will help the Town continue to provide safe, reliable, and high-quality water and wastewater services to its residents and businesses.

RECOMMENDATION: The Administration is recommending the Town Council approve Approval of Resolution 2024-40 Implementing Increased Water and Wastewater Service Rates.

FISCAL & EFFICIENCY DATA: N/A

RESOLUTION NO. 2024-40**A RESOLUTION OF THE TOWN OF EATONVILLE, FLORIDA,
IMPLEMENTING INCREASED WATER AND WASTEWATER
SERVICE RATES; PROVIDING FOR ANNUAL REVIEW AND
ADJUSTMENT PROCEDURES FOR MODIFYING WATER AND
WASTEWATER SERVICE RATES; PROVIDING FOR CONFLICTS,
SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the Town Council engaged the Florida Rural Water Association to conduct a comprehensive utility rate study to evaluate the Town's current water and wastewater service rates; and

WHEREAS, the rate study concluded that the existing rate structure requires updating to reflect increases in operational costs, ensure appropriate levels of service, and provide adequate funding for necessary capital improvements; and

WHEREAS, on September 3, 2024, the Town Council adopted Resolution No. 2024-24 and Resolution No. 2024-25, which updated the Town's Asset Management and Fiscal Sustainability Plan (the "Asset Management Plan") to include the Water System Improvements and Wastewater Utility System Improvements recommended by the Florida Rural Water Association; and

WHEREAS, the Town Council has since adopted Ordinance No. 2024-10, repealing a prior ordinance that established utility service rates and authorizing the Council to set updated rates by resolution; and

WHEREAS, the Town Council finds that adopting the updated rates will help the Town continue to provide safe, reliable, and high-quality water and wastewater services to its residents and businesses.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Eatonville, Florida, as follows:

SECTION 1. Legislative Findings. The findings set forth in the recitals above are adopted and fully incorporated herein as legislative findings of the Town Council.

SECTION 2. Adoption of Updated Utility Rates. The Town's updated water and wastewater services rates, attached hereto as **Exhibit "A"** and incorporated herein, are hereby adopted.

SECTION 3. Annual Review. The Town Council shall conduct an annual review of the water and wastewater service rates to ensure that the Town's utility system is financially self-sustaining.

SECTION 4. CPI Adjustment. The Town Council is authorized to adjust, by resolution, the water and wastewater service rates to reflect changes in the Consumer Price Index (CPI) for

All Urban Consumers (CPI-U), as published by the U.S. Department of Labor, Bureau of Labor Statistics, or any successor index. Any adjustment shall not exceed the percentage change in the CPI-U for the preceding calendar year.

SECTION 5. Conflicts. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, repealed. Specifically, any rates, fees, or charges previously established, including those within the Water and/or Wastewater Asset Management Plans, that conflict with the rates set forth in this Resolution are hereby repealed to the extent of such conflict.

SECTION 6. Severability. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Resolution and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION 7. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 3rd day of December 2024.

Angie Gardner, Mayor

Attest:

Veronica King, Town Clerk

Approved as to form:

Clifford B. Shepard, Town Attorney

EXHIBIT A
Town Of Eatonville
Utility Services Rates

1. Utility Service Rate Schedule.

1.1. The utility service rate schedule for the Town of Eatonville shall be as follows:

Utility Service Rate Schedule					
	Fiscal Year				
	24-25	25-26	26-27	27-28	28-29
Drinking Water					
01 Residential					
Base Charges Inside City					
5/8-inch	\$15.84	\$16.63	\$17.46	\$17.64	\$17.81
Usage Charges Inside City					
0 to 1,000 gallons	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1,001 to 5,000 gallons	\$3.08	\$3.23	\$3.39	\$3.43	\$3.46
5,001 to 10,000 gallons	\$5.23	\$5.49	\$5.77	\$5.82	\$5.88
10,001 gallons or more	\$8.89	\$9.33	\$9.80	\$9.90	\$9.99
04 & 99 Commercial					
Base Charges Inside City					
5/8-inch	\$26.48	\$27.80	\$29.19	\$29.49	\$29.78
Usage Charges Inside City					
0 to 1,000 gallons	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1,001 to 5,000 gallons	\$3.44	\$3.61	\$3.79	\$3.83	\$3.87
5,001 to 10,000 gallons	\$4.96	\$5.21	\$5.47	\$5.52	\$5.58
10,001 gallons or more	\$8.42	\$8.84	\$9.28	\$9.37	\$9.47
Wastewater					
01 Residential					
Base Charges Inside City					
5/8-inch	\$26.06	\$27.37	\$28.73	\$30.17	\$30.77
Usage Charges Inside City					
0 to 1,000 gallons	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1,001 to 5,000 gallons	\$3.24	\$3.40	\$3.57	\$3.75	\$3.83
5,001 to 10,000 gallons	\$5.51	\$5.78	\$6.07	\$6.37	\$6.50
10,001 gallons or more	\$9.35	\$9.82	\$10.31	\$10.83	\$11.04
04 & 99 Commercial					
Base Charges Inside City					
5/8-inch	\$49.08	\$51.53	\$54.11	\$56.81	\$57.95

Usage Charges Inside City					
0 to 1,000 gallons	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1,001 to 5,000 gallons	\$4.87	\$5.11	\$5.37	\$5.64	\$5.75
5,001 to 10,000 gallons	\$8.27	\$8.69	\$9.12	\$9.58	\$9.77
10,001 gallons or more	\$14.07	\$14.78	\$15.52	\$16.29	\$16.62
S02 Sewer Only					
Base Charges Inside City					
5/8-inch	\$39.26	\$41.23	\$43.29	\$45.45	\$46.36
Customers having a Master Meter will be charged based on the same rates as customers inside and outside the town limits, as applicable for each unit/apartment/home/lot serviced by the master meter for both Water and Sewer. The entity responsible for the Master Meter shall be responsible for payment of the monthly bill and required deposits.					