



City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: August 17, 2023

RE: RESOLUTION NUMBER 23-74 AUTHORIZING THE RECORDING OF LIENS ON DELINQUENT UTILITY ACCOUNTS

Introduction:

On September 7, 2017, the Commission adopted Resolution Number 17-10, which approved implementing property liens for qualifying delinquent utility accounts. The purpose of recording a lien is twofold:

- 1) To recover the City's cost of water, wastewater, and/or irrigation services.
- 2) To follow Florida Statutes. F.S. 159.17 *Lien of Service Charges*, requires any city issuing revenue bonds to have property liens on utility systems.
The City issued Water and Sewer Series 2016 Revenue Bonds.

Staff identified accounts over 90 days delinquent. With proper notice provided, the City discontinued utility services upon failure of the property owner to pay water, wastewater, irrigation and/or garbage services. The City has exhausted all collection options. With the Commission's approval, liens will be applied to the below listed delinquent accounts.

Recommended Action:

Staff recommends approval of Resolution Number 23-74 authorizing the recording of liens for the properties listed below.

22318-0	ETTS, TERRI J Meter to be pulled 8/18/2023. Five months past due. Last payment was \$25 on 8/4/2023. Customer has leaks in irrigation, said they were fixed but polling is showing still leaking. Water cut off 8/9/2023.	155 E CHARLOTTE	\$1,818.74
24018-4	MOHAMMED, ABID K Meter pulled 8/11/2023. Four months past due. Not returning calls or emails. Last payment \$205.48 was 4/2023, payment before that was 12/2022. Water cut off 5/16/19.	1204 S DEWEY ST	\$211.52
24152-5	LAND TRUST SERVICE CORP TRUSTE Meter removed 8/11/2023. Three months past due. Customer not returning call or letter. Last payment \$184.46 3/2023. Water cut off 6/1/2023.	202 W DOANE AVE	\$294.45
927-2	DOUGLAS, WILLIAM & SUSAN Meter to be pulled 8/18/2023. Customer not returning calls. Three months past due. Last payment \$336.14 5/2023. Water cut off 7/31/2023.	805 LIBERTY ST	\$1,568.21

34660-1	QUICK, ROGER A Meter to be pulled 8/18/2023. Customer not returning calls or emails. Customers moved out and letting it go to the bank. Five months past due. Last payment \$84.05 2/2023. Water cut off 8/7/2023.	26 TOWNHILL DR	\$385.30
Totals			\$4,278.22

Background:

The City provides various utility services to properties throughout the City, including water, wastewater, irrigation, reclaimed water and garbage services. To follow Florida Statutes and provide prudent measures to recoup reimbursement of utility services, staff is recommending the recording of liens on qualifying delinquent utility accounts.

Alternatives:

1. Approve Resolution Number 23-74
2. Deny Resolution Number 23-74 and provide direction to staff on how they would prefer to proceed.

Discussion of Alternatives:

Approval of Resolution Number 23-74:

Advantages:

- Approval of the Resolution will comply with Florida Statutes and provides prudent management of City utility receivables.

Disadvantages:

- The minimal filing and administrative costs required to record a lien.

Denial of Resolution Number 23-74

Advantages:

- No additional filing or administrative costs required to file a lien.

Disadvantages:

- The City is not in compliance with Florida Statutes and has little recourse for the collection of unpaid utility services.

Budget/Staff Impact:

The utility enterprise fund has sufficient revenue to process the liens, release and pay recording fees. It is unknown when the recovery will occur. Due to changes in staffing this process is now being reinstated and will occur on a regular basis.

The proposed action will help the City achieve the following objectives:

- Follow Florida Statutes.
- Create a procedure on the collection of past due utility bills which are the property owner's responsibility. Only the owner of the property can be liened. Obligations created by lessee's are not an allowed obligation of the owner of the property.
- Impose and maintain liens on properties for unpaid utility bills

Prepared By:

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Reviewed By:

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