

RESOLUTION NO. 1-06

A RESOLUTION REVISING THE WATER, WASTEWATER, AND RECLAIMED WATER MAIN EXTENSIONS POLICY WITHIN THE SERVICE AREA OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, RESCINDING ALL RESOLUTIONS, OR PORTIONS THEREOF, IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Utilities Commission, City of New Smyrna Beach, Florida, has heretofore adopted Resolution No. 13-04, establishing a policy for water and wastewater main extensions, it is now deemed necessary to revise said policy and include reclaimed water main extensions; and

WHEREAS, the Utilities Commission, City of New Smyrna Beach, Florida, has the full and exclusive authority over the management, operations and control of all the City's' utilities and the authority to prescribe rules and regulations governing the use of such facilities, wherever such are provided by the Utilities Commission and to make such changes from time to time in the rules and regulations as it deems necessary in accordance with the laws of the State of Florida, particularly Chapter 67-1754, Laws of Florida, as amended by and restated in Chapter 85-503, Laws of Florida; and

WHEREAS, the construction of water, wastewater, and reclaimed water mains and facility infrastructure are an essential utility service and provide an alternative to a formal assessment program and shall be allowed at the sole discretion of the Utilities Commission; and

WHEREAS, the Utilities Commission has explored and investigated the existing water main and wastewater main extension policy and has presented proposed changes as described in more detail below to the customers of the Utilities Commission, and to other parties of interest at a preliminary public hearing held March 20, 2006, and at a final public hearing held on April 17, 2006 which hearings were duly noticed and advertised.

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1: Applications for an extension of the Utilities Commission's water, wastewater, and/or reclaimed water systems shall be in writing stating the location, beginning and termination thereof with plans and specifications in triplicate attached where such plans and specifications are required. Such written request shall be submitted to and approved by the Director of Engineering, and all terms and conditions relating to said extension shall be made and executed by and between the applicant property owner and/or contractor and the Utilities Commission. No unauthorized person, without prior written consent of the Utilities Commission, may tap any pipe or main belonging to the Utilities Commission. All unauthorized connections shall be subject to discontinuance until full payment is made for such service, including administrative costs, testing, etc.

SECTION 2: All pipes, conduits or other component parts of service installed in or upon the premises of a customer shall conform to Utilities Commission standards of type, quality, quantity and regulations regarding installation. All on-site facilities must be maintained by applicant according to Utilities Commission standards. Unauthorized alteration or modification of an on-site utility service interconnection may result in immediate termination of the affected service and repair or restoration at the applicant's cost.

SECTION 3: Fire service extensions apply solely for commercial, industrial and/or multi-family customers. The Utilities Commission provides adequate fire protection facilities for typical residential service and will not pay for the increment of any oversized pipe from domestic flows to fire service flows for a commercial, industrial or multi-family installation.

SECTION 4: REFERENCES AND DEFINITIONS:

- A. All applicable Utilities Commission resolutions, management practices, standards and procedures are incorporated herein by reference.
- B. All applicable local, district, state and federal rules and/or regulations are incorporated herein by reference.
- C. The Utilities Commission reserves the right to determine the applicability of the above referenced items.
- D. Definitions:

Capacity Fees - Those fees and charges established and collected by the Commission to pay for or recover the capital costs of water, wastewater and/or reclaimed water facilities as set forth in the Utilities Commission's resolutions.

Contributions-In-Aid-Of-Construction - The sum of money and/or the value of property represented by the cost of the water distribution, wastewater collection, and reclaimed water systems, contributed to the Utilities Commission, in advance of construction, by a developer in order that the Utilities Commission will provide service to a specific development.

Developed Area - The area having individual parcels which have been subdivided, developed and sold. This area has streets, structures and other above-ground improvements.

Developer's Agreement - A contract between the developer and the Utilities Commission which outlines the responsibilities of each party concerning the provisions of water, sanitary sewer, and/or reclaimed water service to a property.

Equivalent Residential Unit (ERU) - A factor used to convert a given average daily flow (ADF) to an equivalent number of residential units.

SECTION 4: REFERENCES AND DEFINITIONS (cont.):

Fire Service Extension - Required by the Utilities Commission and applicable to only commercial, industrial or multi-family developments wherein adequate fire protection is typically greater than the residential requirement.

Force Main - A sanitary sewer line which carries sewage under pressure from a lift station.

Hydraulic Share - The component part of a single customer or entity as a portion of the whole water, sanitary sewer, and/or reclaimed water system based on the hydraulic characteristics which are dependent on the size and configuration of the individual system. Refer to Section 24 for appropriate values based on pipe diameter.

Individual Customer - Single individual residential customer or single commercial owner desiring extension of utility services. Not intended for subdivisions, larger commercial (shopping centers, industrial parks, etc.) developments or other similar projects that contemplate more than one connection to the main system.

Interceptor - A gravity sewer line for the transmission of domestic waste which has been designed to receive wastewater from two (2) or more collecting sanitary sewer lines.

Off-Site Facilities - Water mains, sanitary sewer lines, force mains, lift stations and reclaimed water mains constructed to connect on-site facilities with the nearest point in the base system at which adequate capacity is available to meet the requirements of the new services.

On-Site Facilities - The water mains, services, meters, fire hydrants, sanitary sewer lines, force mains, lift stations and reclaimed water mains installed within a residential, commercial or industrial development. It includes those facilities in peripheral streets and easements constructed wholly or in part for use by that applicant.

Oversizing Facilities - A facility such as a water main, a sanitary sewer line, reclaimed water main, a lift station, a pump station, a treatment plant, and related facilities thereto, designated in size and location by the Utilities Commission to exceed the capacity required to serve the immediate project.

Primary Tier User (PTU) - Users of the reclaimed water system, meter sizes $\frac{3}{4}$ " to $1\frac{1}{2}$ ", which are given the highest priority on availability of reclaimed water at all times.

SECTION 4: REFERENCES AND DEFINITIONS (cont.):

Reclaimed Water Distribution Line - A pipe which is used for the distribution of reclaimed water and having a nominal diameter of 8" or less.

Reclaimed Water Transmission Line - A pipe which is used for the transmission of reclaimed water and having a nominal diameter of 10" or greater.

Refundable Advances - The advance of cash or property to defray the cost of any off-site extensions of water, wastewater, and/or reclaimed water mains or pumping stations to the Commission.

Sanitary Sewer - A piping system in which domestic waste is transmitted for treatment. This piping system may also include some industrial waste, as approved solely by the Utilities Commission, but is not designed to accommodate stormwater or groundwater.

Temporary Extension - Utility water extensions less than 6" in diameter which are deemed to be necessary solely at the discretion of the Utilities Commission.

Undeveloped Area - The area which does not have water, wastewater and/or reclaimed water mains within 100 feet of the vacant parcel and do not have improvements to the raw land (such as streets, structures, or other above-ground improvements). Undeveloped area may have drainage improvements, pasture improvements and/or other agriculture improvements.

Water Distribution Line - A pipe which is used for the distribution of potable water and having a nominal diameter of 8" or less.

Water Transmission Line - A pipe which is used for the transmission of potable water and having a nominal diameter of 10" or greater.

SECTION 5: APPLICATION FOR SERVICE: It shall be unlawful for any person to use Utilities Commission water, wastewater and/or reclaimed water services without first making application in writing for service and paying all charges incident to the application. The applications shall be made on forms furnished by the Utilities Commission and shall constitute an agreement by the consumer to abide by the Utilities Commission's rules in regard to its service. Applications for service requested by firms, partnerships, associations and corporations shall be tendered only by their duly authorized agents, and the official title of the agent shall be shown on the application.

SECTION 6: FREE SERVICES PROHIBITED: No free water, wastewater or reclaimed water service shall be furnished or rendered to a person or to the City, County, State or public agency or instrumentality. Every user of the water, wastewater and reclaimed water system shall be subject to the requirements provided in this Resolution for the class of service, without reduction or other discrimination.

SECTION 7: LIMITATIONS OF USE: Utility services shall be used by the consumer only for the purposes specified in the application for service. The consumer shall not sell or otherwise dispose of such utility service. All utility service furnished to the consumer shall be through Utilities Commission meters and may not be re-metered by the consumer for the purpose of selling or otherwise disposing of such service. In no case shall a consumer, except with the written consent of the Utilities Commission, extend water, wastewater or reclaimed water lines across streets, alleys, lanes, courts, property lines, avenues, or other public thoroughfares or right-of-ways in order to furnish utility service for adjacent property even though such adjacent property is owned by the same consumer.

SECTION 8: UNAUTHORIZED CONNECTION OR USE: No person, without prior written consent of the Utilities Commission, shall tap any pipe or main belonging to the Utilities Commission without authorization. Connections to the utility system for any purpose whatsoever are to be made only as authorized by the Utilities Commission. In case of any unauthorized interconnection, extension, re-metering, sale or disposition of utility service, the customer's utility service shall be subject to discontinuance until such unauthorized use or disposition is disconnected and full payment is made for such service, calculated on proper classification and rate schedules, and reimbursement in full made for any extra expenses incurred as the result of such unauthorized use, including administrative costs, testing, inspections and court costs. In addition, unauthorized use may result in appropriate criminal prosecution.

SECTION 9: ACCESS TO PREMISES: As a condition to providing service, the consumer shall grant to the Utilities Commission or its authorized agents or employees access to consumer's property during all reasonable hours and, in the event of an emergency, at any time, for the purposes of reading meters or maintaining, inspecting, repairing, installing or removing utility property, and for any other purposes incident to performance under or termination of any agreement with a consumer or such consumer's predecessor.

SECTION 10: INSPECTION OF APPLICANT'S INSTALLATION: The Utilities Commission reserves the right to inspect and approve any consumer installation prior to providing service and from time to time thereafter to ensure compliance with applicable laws, resolutions, and rules and regulations affecting such installation. The applicant shall pay for such inspection in accordance with Utilities Commission practices. Applicant shall be responsible for the cost of making changes or repairs resulting from any unauthorized alteration, and/or unacceptable construction.

SECTION 11: PROTECTION OF UTILITY PROPERTY: In the event of any damage to Utilities Commission property located upon consumer's property which arises out of any act of consumer or agents, employees or independent contractors upon the premises, the cost of repairs or replacement shall be the responsibility of the applicant, and full payment or reimbursement to the Utilities Commission therefore shall be a condition imposed for the continuation of service.

SECTION 12: REQUIRED CONSTRUCTION STANDARDS: All pipes, conduits or other component parts of service installed in or upon the premises of a customer shall conform to Utilities Commission standards of type, quality, quantity and regulations regarding installation. Applicant shall be responsible for maintaining all on-site facilities in proper repair, and shall not alter or modify any interconnection of service without first notifying and securing approval therefore in writing by the Director of Engineering of the Utilities Commission. Unauthorized alteration or modification of an on-site utility service interconnection may result in immediate termination of the affected service and repair or restoration at the applicant's cost.

SECTION 13: DAMAGING, TAMPERING WITH, ALTERING FACILITIES OF UTILITY PLANT OR SYSTEM: No person shall damage or knowingly cause to be damaged any meter or water, wastewater, and/or reclaimed water pipe or fittings connected with or belonging to the Utilities Commission water, wastewater or reclaimed water system; or tamper or meddle with any appliance or any part of such system in such manner as to cause loss or damage or in any way hinder or interfere with the proper operation of such system after such pipe, fitting, appliance or appurtenance has been tampered with, injured or altered.

SECTION 14: FIRE SERVICE EXTENSION: Fire service extensions apply solely for commercial, industrial, and/or multi-family customers. The Utilities Commission provides adequate fire protection facilities for typical residential service. Due to the fact that certain customers may require fire flows greater than those which can be accommodated by the Utilities Commission water transmission system and are in excess of a residential fire flow, then fire protection water main extensions may be constructed. The costs of the water mains necessary for fire protection include the cost of the connection to the Utilities Commission system and the extension of the appropriately sized water main to the point of connection to the customer. The Utilities Commission will not pay for the increment of the oversized pipe from domestic flows to fire service flows for a commercial, industrial or multi-family installation. All other provisions of the water, wastewater and reclaimed water system extension policy would apply, including over sizing considerations, hydraulic sharing of domestic capacity provisions relative to domestic capacity for off-site transmission facilities.

SECTION 15: DEVELOPER'S AGREEMENTS REQUIRED: Prior to the approval of the applicant's water, wastewater and/or reclaimed water service plans, the applicant must enter into a Developer's Agreement which shall be binding upon the applicant and its successors and assigns. Developer's Agreements may not be assigned to subdivided parcels and/or lots.

SECTION 16: EXISTING AGREEMENTS FOR PRACTICES AND PROCEDURES: The Utilities Commission recognizes that certain customers have, and are installing at no cost to the Utilities Commission, off-site water transmission and wastewater facilities, as well as the on-site infrastructure for the applicant's project. The Utilities Commission recognizes that it has entered into certain agreements with applicants, whereby those entities funded the construction of water and wastewater facilities and in which such agreements provide for findings to be in lieu of any contributions-in-aid-of-construction or capacity charges. The Utilities Commission does hereby declare that nothing in this Resolution shall abrogate, obviate or void the terms and provisions of those previous agreements, except the Utilities Commission's right to amend rate and charge schedules from time to time.

SECTION 17: WATER, WASTEWATER, AND RECLAIMED WATER EXTENSION POLICY: The Utilities Commission requires contributions-in-aid-of-construction preferably through the installation of water transmission, wastewater and reclaimed water facilities by the applicant desiring system extension with title to such facilities being transferred to the Utilities Commission when the installation has been completed. The facilities which are on-site and off-site, as defined by the property ownership of the applicant, and shall be considered based upon that ownership. The requirement for such contributions is for the purposes of deferring the cost of water transmission, wastewater and reclaimed water facility systems and to partially defray the costs of the hydraulic share of such systems. Cash payment of system connection fees by the applicant represents a condition precedent to the execution of permit applications to the Department of Environmental Protection (FDEP) for the construction of utility system extensions.

SECTION 18: ON-SITE FACILITIES: Each applicant shall be responsible for design, installation, inspection and testing of the complete water distribution, sewage collection, and reclaimed water systems located in the street or streets adjoining or within the boundaries of the applicant's property. The term "complete water distribution, sewage collection, and reclaimed water systems" as used herein shall include all component parts of a water and reclaimed water distribution system, including mains, valves, fittings, services, hydrants and all appurtenances as shown upon the approved design plans for such distribution systems and all the component parts of the sewage collection system, including all collection mains, laterals to the point of clean-out within the right of way or easement, force mains, lift or pumping stations, including the site for the same, and all other appurtenances as shown on the approved design plans for the installation of such wastewater system. The applicant shall be responsible for the above and shall dedicate the above at no cost to the Utilities Commission.

SECTION 19: SYSTEM DESIGN - INDEPENDENT ENGINEERS: The design of water, wastewater, and/or reclaimed water facilities prepared by a registered professional engineer regularly engaged in the field of Civil engineering, covering the design of the applicant's on-site water distribution, sewage collection, and/or reclaimed water system shall be recognized by the Utilities Commission, subject to the approval of the Director of Engineering, or designee, and shall conform in all respects to utility criteria, the facilities ultimately to be accepted for ownership, operation and maintenance.

SECTION 20: EASEMENTS AND RIGHT-OF-WAYS: As a prerequisite to the construction of any water, wastewater or reclaimed water system proposed to be connected to the Utilities Commission's water distribution system, wastewater or reclaimed water system, the applicant shall grant any and all easements and right-of-ways, without cost, as may be necessary.

SECTION 21: INSPECTION: The Utilities Commission's representative shall inspect the installation of all water, wastewater and reclaimed water facilities installed which are proposed to be transferred to the Utilities Commission's ownership. Such inspections are intended to assure that water, sewer, and/or reclaimed water lines and/or lift stations are installed in accordance with approved designs and are further consistent with the criteria and specifications governing the kind and quality of such installation.

SECTION 22: TESTING: The Utilities Commission's representative shall be present at all testing of the component parts of the water distribution, sewage collection and/or reclaimed water systems for the purpose of determining that the system, as constructed, conforms to the Utilities Commission's rules and regulations regarding such testing. Such testing will be performed only under the direct supervision of the engineer of record or authorized inspector. The results of said testing shall be certified by the engineer of record. The Director of Engineering will be notified at least three (3) working days prior to any inspections or testing performed in accordance with these regulations. Working days shall be Monday through Friday, excluding holidays.

SECTION 23: TRANSFER OF CONTRIBUTED PROPERTY – BILLS OF SALE: Each applicant who has constructed water, wastewater and/or reclaimed water facilities on the applicant's property prior to interconnection with the Utilities Commission's existing facilities shall convey such component to the Utilities Commission by Bill of Sale in a form satisfactory to the Utilities Commission. Such transfers of title via Bill of Sale shall be free of all liens and encumbrances. The Utilities Commission will not accept, and the applicant will not transfer, any facilities in the category of consumer lines, plumber lines or consumer's installation located on the discharge side of the water meter or on the customer side of the point of delivery of service. Such facilities will remain the maintenance responsibility of the applicant or subsequent customers. The Utilities Commission will not accept title to any component part of the water, wastewater and/or reclaimed water system as constructed by the applicant until the Director of Engineering has approved the construction of said lines, verified the inspection of the construction and accepted the tests associated with the construction and disinfection of such facilities. The applicant must maintain accurate cost records, establishing a construction cost of all utility facilities and such cost information shall be furnished to the Utilities Commission concurrently with the Bill of Sale. The Utilities Commission may refuse connection and deny the commencement of service to any customer seeking to be connected to portions of the water, wastewater and/or reclaimed water system installed by the

SECTION 23: TRANSFER OF CONTRIBUTED PROPERTY – BILLS OF SALE (cont.):

applicant until such time as provisions of this paragraph have been fully met by the applicant, or the applicant's successors or assigns.

SECTION 24: OFF-SITE WATER, RECLAIMED WATER TRANSMISSION/DISTRIBUTION AND WASTEWATER FACILITIES: The off-site water, reclaimed water transmission/distribution and wastewater facilities are considered as residential types of services and commercial types of services. Moreover, the type of services are disaggregated into undeveloped areas, as well as developed areas.

- A. Residential Off -Site Utility Services: Undeveloped Areas - Water and Reclaimed Water Systems
- (i) Temporary extensions less than 6-inches in diameter may be permitted on a case-by-case basis by the Utilities Commission due to public necessity. In such cases, no Utilities Commission participation, credits or other customer tie-ins will be allowed. Fire protection is not included and applicant must pay all prevailing rates, fees and charges and is totally responsible for all costs associated with this extension, including looping the system which is a requirement.
 - (ii) 6-inch Water and Reclaimed Water Main Extensions - The main extensions from the Utilities Commission system to the applicant's on-site facilities is required to be paid by the applicant.
 - (iii) 8-inch Diameter or Larger Water and Reclaimed Water Main Extensions - If the applicant requires a 6-inch water and/or reclaimed water main and over sizing of the line to an 8-inch or larger diameter is required, the Utilities Commission may, in order to promote a project also needed for other purposes, pay for the material cost of the differential between a 6-inch and the larger diameter main.
- B. Residential Off-Site Utility Services: Undeveloped Areas - Wastewater System
- (i) 100 GPM Lift Stations - 100 gpm type lift stations are the minimum size lift stations for off-site use within the Utilities Commission service area. The 100 gpm capacity is necessary for scour velocities within the 4-inch force mains from such facilities, and thereby shall be minimum.

- B. Residential Off-Site Utility Services: Undeveloped Areas - Wastewater System (cont.)
- (ii) Lift Stations Greater Than 100 GPM - The applicant must pay for the complete cost of the lift station. The Utilities Commission reserves the right to oversize the lift station paying for the incremental material cost for over sizing.
 - (iii) 4-inch Force Mains - 4-inch diameter force main extensions shall be paid for by the applicant from the point of connection to the Utilities Commission to the on-site facilities.
 - (iv) Force Mains 6-Inches or Larger - Force mains 6-inches in diameter or larger, that are extensions to the Utilities Commission facilities and require over sizing, such over sizing may at the commission's discretion be paid for by the Utilities Commission.
 - (v) 6-Inch or Larger System Extensions . If the applicant requires a force main system extension of 6-inches or larger in diameter, then the Utilities Commission may credit some portion of the cost if it is in the commission's interest to promote the extension of this line. The applicant is responsible for the remainder of the cost of the force main extension. The Utilities Commission reserves the right to oversize such facilities and pay for such over sizing in accordance with Utilities Commission policies.

C. Residential Off-Site Utility Services: Developed Areas

The Utilities Commission shall provide three (3) options for service for developed areas. Those options include:

- Customer Payment
- Area Development Agreement
- Water, Wastewater, and Reclaimed Water Special District (Assessment, Taxing or Otherwise)

(i) Individual Customer Payment

(a) Water - The Utilities Commission shall construct the extension upon collection of capacity fees and extension costs from one hundred percent (100%) of those customers upon said extension. Each extension will be reviewed for feasibility based on prudent engineering standards.

(i) Individual Customer Payment – (a) Water (cont.):

The remainder of the policies for individual customers within undeveloped areas apply.

(b) Wastewater - The customer shall pay the cost for all line extensions to the wastewater system. Such extensions shall be in accordance with the Commission's policies. Road and/or drainage restoration costs shall be borne by the applicant, City and/or County as applicable.

(c) Area Development Agreement - An area development agreement would be considered the same as any other Developer's Agreement.

(d) Special Districts - Special districts, special assessments or special taxing may be instituted within the Utilities Commission service area. These shall be considered as a development and on-site and off site costs shall be required similar to any other applicant in an undeveloped area. The off-site improvements and extensions shall be handled similar to those for water facilities.

(e) Reclaimed Water - Customer shall pay all cost for 6-inch main extensions.

D. Commercial Off-Site Services: Undeveloped Areas

(i) Water Mains - Except for where the fire service portion of this policy supersedes, the requirements shall be the same as for residential service.

(ii) Wastewater Facilities - Extensions in accordance with special provisions of utility standards shall be complied within their entirety; otherwise, the requirements shall be the same as for residential service.

(iii) Reclaimed Facilities - Extensions in accordance with special provisions of utility standards shall be complied within their entirety; otherwise, the requirements shall be the same as for residential service.

E. Commercial Off-Site Services: Developed Areas

(i) Water Mains - Except for where the fire service portion of this policy supersedes, the requirements shall be the same as for residential service in developed areas.

(ii) Wastewater - Extensions shall be in accordance with special provisions of the utility standards in their entirety; otherwise, the requirements shall be the same as residential service in developed areas.

(iii) Reclaimed Water Facilities - Extensions in accordance with special provisions of utility standards shall be complied within their entirety; otherwise, the requirements shall be the same as for residential service.

F. Hydraulic Share

The hydraulic share, for the purposes of this Resolution, shall be defined in the following manner:

(1) Water and Reclaimed Water Mains

6" - 270 Erus
8" - 600 ERUs
10" - 1,000 ERUs
12" - 1,700 ERUs
16" - 3,400 ERUs

(2) Wastewater Pumping Stations
1 GPM Capacity per ERU

(3) Wastewater Force Mains

4" - 120 ERUs
6" - 320 ERUs
8" - 700 ERUs
10" - 1,200 ERUs
12" - 2,000 ERUs

(4) Wastewater Gravity Interceptors

10" - 600 ERUs
12" - 1,000 ERUs
15" - 1,800 ERUs
18" - 3,300 ERUs

F. Hydraulic Share (cont.)

(5) Other calculations may be accepted by the Engineering Director, if performed and properly sealed by a Florida Licensed Professional engineer, using constants, and rates accepted by the director.

SECTION 25: UTILITY INSPECTION FEES - The cost of engineering inspection of the required improvements shall be paid by the applicant. Charges shall be due and payable at the time of execution of the FDEP construction permit or as stipulated in the Developer's Agreement. The charges are: \$50 00 per ERU, water, wastewater or reclaimed water PTU.

SECTION 26: REFUNDABLE ADVANCES - The Utilities Commission requires in many cases, in addition to the contribution provisions set forth herein, construction by the developer to provide for off-site extension of water, wastewater, and/or reclaimed water mains and pumping stations necessary to connect the applicant's property with the then terminus of the water, wastewater and/or reclaimed water facilities adequate in size to provide service as deemed appropriate by the Director of Engineering.

SECTION 27: ADDITIONAL INFRASTRUCTURE NEEDS – Any Utilities Commission utility infrastructure needs will be considered separately.

SECTION 28: FINANCING - Financing of payment of water, wastewater and/or reclaimed water extensions is available pursuant to the terms and conditions listed below:


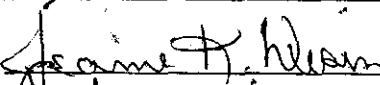
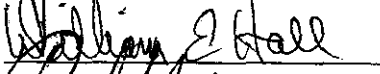

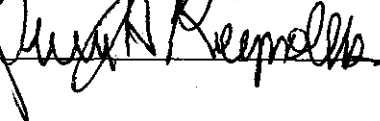
1. Financing would be available to all individual residential customer applicants.
2. A 12-month or 24-month financing period will be utilized.
3. An annual interest rate of 2% above prime shall be used.
4. The customer must execute an agreement which states the utilities applicable (water, wastewater, and/or reclaimed water) will be terminated if the customer is in default of payments. All payments previously made are non-refundable.
5. All payments must be accelerated and due in full prior to transfer of ownership of the property.
6. A non-refundable administrative fee of \$50.00 must be paid at the time of application in order to reimburse the Utilities Commission, City of New Smyrna Beach, for services required to administer the records and financing process.

SECTION 29: SEVERABILITY - If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason 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 portions thereof.

SECTION 30: After adoption by the Utilities Commission, City of New Smyrna Beach, Florida, this Resolution will take effect upon passage.


SECTION 31: All Resolutions, or portions thereof, in conflict herewith are hereby rescinded and superseded.

THE ABOVE AND FOREGOING RESOLUTION was introduced at a regular meeting of the Utilities Commission, City of New Smyrna Beach, Florida, held on April 17, 2006, by Commissioner Hall, who moved its adoption, which motion was seconded by Commissioner Spangler, and upon roll call vote of the Commission was as follows:

CHAIRMAN		yes
VICE CHAIRMAN		yes
SECY-TREAS.		yes
ASST. SECY-TREAS.		yes
COMMISSIONER		yes

APPROVED:

ATTEST:


CHAIRMAN


SECRETARY-TREASURER

APPROVED AS TO FORM AND CORRECTNESS

S E A L


UTILITIES COMMISSION ATTORNEY