

EXECUTIVE ORDER NO. 9 (NICOLE)

AN EXECUTIVE ORDER OF THE EMERGENCY MANAGEMENT DIRECTOR OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AUTHORIZING ADJUSTMENTS FOR UTILITY CHARGES INCLUDING POTABLE WATER, SANITARY SEWER AND RECLAIMED WATER CHARGES INCURRED BETWEEN NOVEMBER 9, 2022 AND ON OR ABOUT DECEMBER 8, 2022 AS A RESULT OF DAMAGES TO PRIVATE PROPERTY FROM THE HURRICANE NICOLE STORM EVENT; AUTHORIZING THE ADJUSTMENTS IN A TOTAL AMOUNT NOT TO EXCEED THE CITY REQUIREMENTS FOR THE DEBT SERVICE RATIO FOR ALL OUTSTANDING BOND COVENANTS RELATING THERETO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 7, 2022, Governor Ron DeSantis issued Executive Order Number 22-253, declaring that a state of emergency exists in Volusia County, Florida; and

WHEREAS, the City Council of the City of Port Orange has declared a Local State of Emergency beginning November 8, 2022 at 4:30 p.m. pursuant to Resolution 22-42; and

WHEREAS, the Hurricane Nicole Storm Event damaged numerous properties within the City of Port Orange; and

WHEREAS, several private real property owners incurred damage to their potable water service lines as a result of the storm, uprooted or fallen trees and other storm related causes; and

WHEREAS, the City requires the collection of charges for potable water utilities delivered to the private property meter; and that the utility line between the meter and the occupied property is the responsibility of the property owner; and that the property owner is responsible for repair of the privately owned line and for payment of the charges for all water, including water lost from leaks, breakage or other damage to the water service line; and

WHEREAS, the billing cycle for all city potable water, sanitary sewer and reclaimed water customers is generally a 30 day four part billing cycle; and

WHEREAS, the Emergency Management Director intends to limit the recovery of lost water to the time period between November 9, 2022 to December 8, 2022 or until the fourth part of the billing cycle is completed, whichever occurs first; and

WHEREAS, potable water system revenues have been bonded and the City is required to administer the collection of the associated customer charges as bonded revenues with adherence to the debt service ratio bond covenants for system revenues and operating expenses; and

WHEREAS, the Emergency Management Director has determined that it is in the best interests of the citizens of the City of Port Orange to provide a limited adjustment to the collection of potable water charges as more particularly set forth hereinafter.

NOW, THEREFORE, be it ordered by the Emergency Management Director of the City of Port Orange, Volusia County, Florida, as follows:

SECTION 1. The City is authorized to forego and write-off collection of potable water, sanitary sewer and reclaimed water charges incurred between November 9, 2022 and December 8, 2022 for Hurricane Nicole related damage that caused water loss to city utility service customers as described herein. The adjustment shall not exceed four consecutive calendar days. The utility service customer must provide proof that the water loss is a result of damage (a line break) caused by the Hurricane Nicole Storm Event.

SECTION 2. The City Manager or his designee shall establish, implement and administer procedures to establish the validity of each applicant for the limited adjustment to the utility charges.

SECTION 3. The Finance Director shall process all qualified customer adjustments within 90 days of receipt of the report and substantiation of the water loss; and shall not assess penalty charges for any invoiced charges that qualify for the water loss adjustment.

SECTION 4. This Executive Order shall become effective immediately and shall expire at the conclusion of the declaration of emergency, as may be extended.

Done and ordered at 11:45 a.m./p.m. this 23 day of November, 2022.

  
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Wayne Clark  
Emergency Management Director