

SKYLINE MOUNTAIN SPECIAL SERVICE DISTRICT
RESOLUTION NO. 2020 -02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SKYLINE MOUNTAIN
SPECIAL SERVICE DISTRICT TO AUTHORIZE AND IMPLEMENT A
THEFT/UNAUTHORIZED USE OF WATER POLICY**

WHEREAS, Skyline Special Service District (the “**District**”) owns and operates culinary and secondary water systems; and,

WHEREAS, the District provides water service to customers and properties within the District, including customers and properties in Skyline Mountain Resort according to the “Water System Operating Agreement”;

WHEREAS, the District finds the need to establish and state its policy as to unauthorized use of water by its customers, or any other person or contractor; and

WHEREAS, the District desires to practice responsible and accurate accounting of water served by the District to promote beneficial use and conservation and to minimize the cost of water service within the District

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SKYLINE MOUNTAIN SPECIAL SERVICE DISTRICT:

SECTION 1. Authorization of the Policy. The Board of Directors does hereby approve this Theft/Unauthorized Use of Water Policy (“**Policy**”), and authorizes the Chair to execute this Resolution and the Secretary to publish or post this Resolution as required by law. District staff, legal counsel and consultants are also authorized to take actions consistent with or in furtherance of this Policy.

SECTION 2. Definitions. “**Attempt[s]**” includes an unsuccessful effort to Tamper with District Infrastructure, or make Unauthorized Use of District water. “**Infrastructure**” includes, but is not limited to, fire hydrants, meters, valves and waterlines. “**Tamper[s]**” includes directly or indirectly through guests, invitees, employees, agents, contractors, including subcontractors, who connects to, alters, or tampers with the District water system, or any part thereof, including but not limited to any water line, water meter, fire hydrant, or other fixture of the water system without prior written authorization of the District “**Theft of Water Service**” is defined as a person obtaining water from the District or District Infrastructure without the prior written approval of the District, or any other means designed to avoid the proper metering, account, and payment for the water taken, delivered or caused to be wasted. “**Unauthorized Use**” is defined as any and all use of water delivered by and through the District’s water infrastructure without prior authorization from the District.

SECTION 3. Policy.

A. It is the Policy of the District that all water provided by the District will be metered, accounted for, and billed to the user. All such use shall be authorized by and billed for at rates established by the District. Any other water use or is Unauthorized Use and constitutes Theft of Water Services. In the event that there is no meter the District may approximate the water usage.

C. Any person who Tampers, Attempts to Tamper, or make Unauthorized Use of Water shall be subject to the fees established in this policy and potential criminal prosecution for Theft of Water Service

D. It is prohibited for any person to turn on, turn off, operate or Tamper with any fire hydrant or any valve constituting a part of the District water system for any purpose whatsoever without the proper prior authorization from the District.

E. For temporary water service, for construction or other purposes, taken from a fire hydrant or other connection to the District Water System requires rental payment in advance fee of \$1,500.00 (for deposit) of the equipment, Charge per day is \$45.00 with first 2,000 gallons free and \$0.02 per gallon used after and must be preauthorization by the District.

F. A property owner within the District is responsible to the District for Unauthorized Water Use or Theft of Water Services by his or her guest, invitee, employee, or contractor, including subcontractors of a general contractor, including the payment of all fees imposed by this Policy.

G. At its discretion, the District may report violations of this Policy to local law enforcement authorities for investigation and prosecution to the fullest extent of the law.

SECTION 4. Fees. Tampering with the District water system, Unauthorized Use, Theft of Water Services or an Attempt to do any act prohibited by this Policy will result in a fee of \$1,500.00 and a charge of \$15.00 per thousand gallons for the water taken, plus repayment to the District of the cost to repair any damages caused to the District water system caused by or resulting from any act prohibited by this Policy. Criminal charges per Utah Code Section 76-6-409.3, or other state or local law, may also be sought by the District.

SECTION 5. Effective Date. This Resolution will be effective immediately upon passage.

[SIGNATURE PAGE FOLLOWS]

APPROVED BY THE BOARD OF DIRECTORS OF THE SKYLINE MOUNTAIN SPECIAL SERVICE DISTRICT ON THIS 19th DAY OF June, 2020, BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Craig Godwin	<u>X</u>	_____	_____	_____
Don Hunter	<u>X</u>	_____	_____	_____
Jeff Dymock	<u>X</u>	_____	_____	_____
Gene Nielsen	<u>X</u>	_____	_____	_____
Vacant Board Member	_____	_____	_____	_____

Chair: *Craig Godwin*
 Craig Godwin
 Chairman

Attest: *Jeff Dymock*
 Jeff Dymock
 Secretary

Seal

