



## **MEMORANDUM**

To: City of Seguin Mayor and Council  
From: Andy Quittner, City Attorney *Andy Quittner*  
Date: July 21, 2014  
Re: Ordinance regarding Tampering with Utility Meter

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Tampering with utility meters, particularly electric meters, occurs on a sporadic, but consistent basis. Over the last ten years the City, based on written opinion and policy, has collected, or at least tried to collect, the actual costs associated with a tampering event (including the cost of sending a truck and personnel to the house). In the case of rental property the City has also attempted to collect the charges from the property owner. Recently staff has received increased resistance, particularly from rental property owners, based on the fact that nothing in the City's code supports the City's position. After reviewing the policies in light of the fact that utility customers should be treated equally and fairly, staff proposed this ordinance for Council's consideration.

This ordinance adds provisions to the City code that allow the City to charge a fee for tampering, assess the fee against anyone leasing the premises, and tie that fee to future accounts for those persons. The ordinance also makes provision for adding "damage costs" to the fee in cases where City property is actually damaged. Since the City property remains part of the premises, those fees can be attached to the property owner.

The tampering fee, set at \$150.00 in the ordinance, is based on the average cost, mostly in personnel, that have been assessed for response to tampering cases over the last couple of years. As a deterrent, there is an increase associated with subsequent tampering events associated with the same person. The ordinance does not hamper the City's ability to pursue criminal charges in appropriate cases.