

MUNICIPAL UTILITIES FEE DISPUTE RULES AND REGULATIONS

Adopted March 8, 2016, City of Chowchilla Resolution No. 27-16

1. PREAMBLE

These rules and regulations are provided for pursuant to City of Chowchilla Municipal Code Section 13.16.020 and are adopted for the purpose of aiding in the administration and enforcement of Chowchilla Municipal Code Chapter 13.16 – Billing and Collection Procedures for Municipal Utility Services.

2. SCOPE AND EFFECT OF RULES AND REGULATIONS

These rules and regulations shall be consistent with the provisions of Chapter 13 of the Chowchilla Municipal Code. In the event of a conflict between these rules and regulations and the current version of Chowchilla Municipal Code, the Municipal Code shall prevail. Any section held to be in conflict with Chapter 13 of the Municipal Code shall be severed from these rules and regulations to the extent necessary to conform these rules to the requirements of the Municipal Code. All other rules and regulations, or portions thereof that are not in conflict with the Municipal Code shall remain in full force and effect.

3. MUNICIPAL SERVICES BILL DISPUTES – GENERALLY

In the event a municipal services customer questions or disputes charges on a municipal utility services bill, they should promptly request an explanation of the bill and/or billed amounts from the municipal utility. If the explanation is not satisfactory or is not understood, the customer may request an investigation or initiate a complaint about the bill using the Appeal procedures provided for in these rules and regulations.

4. TIME LIMITATIONS ON FILING A FEE DISPUTE UNDER THESE RULES AND REGULATIONS

Municipal utility customers filing a complaint or requesting an investigation under the appeal procedures contained in these rules and regulations are required to file the appeal to the City Administrator or Designee no later than five (5) calendar days after receiving the disputed bill. In the event the City has provided a disconnection notice to the customer pursuant to Municipal Code Section 13.16.060(D), the customer must file such appeal no later than thirteen (13) calendar days after the mailing date of the disconnection notice. Time limits for filing may be extended upon a request and showing of good cause for the extension of time to file.

5. APPEAL PROCEDURE

A) MUNICIPAL UTILITY APPEALS TO THE CITY ADMINISTRATOR OR DESIGNEE

(i) **Appeal Form:**

Appeals shall be filed using the Municipal Utilities Fee Dispute Form and Request for Resolution. A copy of this form is available at the Chowchilla City Hall, 130 S Second Street, Chowchilla, CA. All appeals shall be filed with the City Administrator or Designee and may be filed, in person or by mail.

(ii) **Information To Be Provided In The Appeal:**

Customers shall provide all of the following information on the Appeal Form, or attached to the Appeal Form:

- a) Full Name of Appealing Party
- b) Address of Property where Municipal Services were provided
- c) Address of Appealing Party (if different from (b))
- d) Daytime Telephone number of appealing party
- e) Municipal Utility Account Number
- f) Name and Address of Municipal Utility Account holder (if different from (a))
- g) A written explanation of the Appealing Party's reasons in support of a reduction/adjustment of the bill
- h) Copies of any documents that support the Appealing Party's explanation and reasons for a reduction/adjustment of the bill
- i) A statement of the remedy requested by the Appealing Party (such as: reduction/adjustment of the bill, amount of reduction requested, extension of time to pay, length of extension requested etc.)
- j) Signature under penalty of perjury of the Appealing Party
- k) Signature of the Municipal Utility Account holder (if different from Appealing Party)

Failure to provide required information on the Appeal form may result in a denial of the Appeal.

B) CONSIDERATION OF APPEAL BY CITY ADMINISTRATOR OR DESIGNEE

(i) **Adjudication of Appeals**

Following receipt of the Appeal, the City Administrator or Designee shall, within ten (10) calendar days, review the Appeal and supporting materials provided by the Appealing Party.

The City Administrator or Designee may consider all of the factual information provided by the Appealing Party and any other information he or she is able to gather from the Municipal Utility that the City Administrator or Designee deems relevant to the issues arising as a consequence of the appeal. The City Administrator or Designee shall also consider whether the municipal utility customer shall, for good cause, be allowed an extension of time to pay the unpaid balance on the bill.

(ii) **Granting/Approval of Appeal**

The City Administrator or Designee may approve the appeal in situations where any or all of the following apply: error by the City in delivery of services, error in billing procedures at the City, malfunction in City owned and maintained equipment, any other situation where the City bears responsibility for a charge or billing error. The City Administrator or Designee shall not, absent a showing of good cause and evidence that granting an appeal serves the public good, approve an appeal where the billed amounts are the result of a customer's own errors, the customer's failure to maintain their own equipment, or where billed amounts are the subject of a dispute between a landlord and tenant.

(iii) **Written Determination**

If an appeal is granted, the City Administrator or Designee shall thereafter provide a written determination on the Appeal and shall state the remedy, if any, that will be provided. The City Administrator or Designee shall provide this determination in writing to the address of the Appealing Party and a copy shall be provided to the Municipal Utility Account holder (if different).

(iv) **Extensions of Time For City Administrator or Designee Determinations**

In the event the City Administrator or Designee is unable to complete the investigation or consider the appeal in the initial ten (10) calendar day period, he or she may inform the Appealing Party of a need for more time and shall establish a date with the Appealing Party for a determination to be made and provided to the Appealing Party.

(v) **City Administrator or Designee Permitted Remedies**

The City Administrator or Designee is authorized to remedy Municipal Utility Bill Disputes up to a maximum total dollar value of \$300.00, including any and all reductions, adjustments or refunds.

The City Administrator or Designee is further limited, in that he or she may authorize extensions of the payment period of any bill for a reasonable time period, amortizing payments over a time span that shall not exceed twelve months.

C) APPEAL TO THE CITY COUNCIL

In the event an appeal is denied by the City Administrator or Designee, or in the event that the remedy requested cannot be granted because it exceeds the scope of permitted remedies under these rules and regulations, the Appealing Party may, within ten (10) calendar days after receipt of the City Administrator or Designee's determination, file a request with the City Clerk to appeal the determination to the City Council.

Filing deadlines for appeals to the City Council are jurisdictional and such appeals, and if not timely filed, shall be considered abandoned. In the event a Party appealing to the City Council is late filing their appeal, the substance of the appeal shall not be considered by the Council and no remedy shall be awarded absent a threshold determination by the City Council that good cause is shown by the Appealing Party for the late filing.

Upon receipt of an appeal to the City Council under this section, the City Clerk shall add the appeal as an action item to the agenda of a future City Council meeting, to be held no later than forty-five (45) calendar days after the request to appeal to the City Council is received from the Appealing Party. The City Administrator or Designee shall prepare a staff report with a recommendation on the disposition of the Appeal and shall attach the entire appeal record, including copies of the disputed bill, the appeal and any attachments, any information relied upon in making the City Administrator or Designee determination, a copy of the City Administrator or Designee's determination and any correspondence between the City Administrator or Designee and the Appealing Party that is related to the Appeal.

The City Council shall consider the entire record; however, no new evidence, other than evidence in support of a showing of good cause for a late filing, shall be permitted to be presented or considered by the City Council if it was not produced by the Appealing Party in earlier stages of these appeal procedures.

City Council's determination and action on any appeal shall be final and binding.

6. ADJUDICATION OF APPEALS IS NON-PRECEDENTIAL

Each appeal shall be considered on its own merits and is deemed to be factually distinguishable from each and every other appeal. As such, no determination of the City Administrator or Designee shall be deemed to be a precedent or past practice, nor shall a determination in one appeal be cited or form a basis for a determination in any subsequent appeal from the same or a different appealing party.

7. NO DISRUPTION TO SERVICE

No termination or disruption in municipal services shall be initiated on an account once an appeal has been filed, and until a determination is made under these rules and regulations, provided that the account is kept current as to all charges accrued in all subsequent billing periods following the disputed bill.

Municipal Utilities Fee Dispute Form and Request for Resolution

Dear municipal utility customer: This form is to be used in the event you are disputing your municipal utility bill and the explanation you received for the charges did not either resolve your concerns, or you did not understand the explanation. Please complete the following form and provide the requested information stating the reasons your bill should be adjusted or reduced.

NAME OF PERSON FILING APPEAL:

ADDRESS:

SERVICE ADDRESS (if different):

TELEPHONE: _____

ACCOUNT #: _____

UTILITY ACCOUNT HOLDER (if different): _____

UTILITY ACCOUNT HOLDER ADDRESS (if different): _____

Reason(s) for Appeal of Utility Bill Amount: (please attach additional pages and documents as necessary)

I declare, under penalty of perjury that the foregoing is true and correct.

Date: _____

Date: _____

Signature: _____
(Filing Party)

Signature: _____
(Account Holder (if different))