

ORDINANCE NO. 1319

**AN ORDINANCE AMENDING CITY CODE SECTION 62.56 REGARDING
ADJUSTMENTS TO UTILITY BILLS**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Section 62-56 is hereby amended as follows:

Sec. 62-56. - Adjustments to utility bills.

- (a) *Policy and purpose.* It is the policy of the city of South St. Paul to make adjustments to consumer water bills where an adjustment is necessary to correct mistakes, equipment failures, or fairly apply the rates and rules. The purpose of this policy is to improve consumer service by enabling city staff to quickly and accurately respond to consumer requests for adjustments to water bills.
- (b) *Requests for adjustments.* When a consumer disputes a water bill, ~~the consumer is required to pay the current bill in full by the due date; however,~~ the consumer may request an adjustment for one of the reasons set forth in section 62-56(d). All requests for adjustments must be made in writing within ~~seven~~ fourteen days of the date the water bill was sent, addressed to the finance director. Written requests shall state the name of the account holder, service address, contact information and the reason for the requested adjustment. The consumer shall further provide all information requested by the panel deemed necessary to make a determination on the request.
- (c) *The panel.* A panel made up of the city engineer, public works director, and finance director, their designees, or members appointed by the city administrator, shall determine the amount, if any, of the adjustment to be made.
- (d) *Adjustments allowed.*
 - (1) The panel is authorized to make adjustments to water bills, without prior city council action, for the following situations:
 - a. Billing error. Where an error has occurred that results in an inaccurate water bill being sent to a consumer, staff shall correct the error as soon as discovered, whether by the consumer or by staff. These adjustments include data recording and entry errors as well as meter failures if tested and found to be inaccurate.
 - b. Water line freeze. Adjustments to charges when a consumer experiences extraordinary water consumption during a billing period following a water line freeze and the city advised the consumer to leave a drip running during the period of time covered by the water bill.

b-c. Water break or malfunction. If the panel is shown evidence that the consumer made a good faith effort to address a break or malfunction in a timely manner, then the rate may be adjusted to a lower tier for the billing cycle in question and the winter quarter average may be re-established to a rate based on usage history.

- (2) ~~When~~ After an adjustment is made by the panel, ~~a credit for the amount of the adjustment shall be made to the consumer's account~~ the bill is due and payable within fourteen days of the panel's decision.
- (e) *Adjustments not allowed.* The panel will not consider adjustments when a consumer experiences extraordinary water consumption due to a break or malfunction, ~~other than a water line freeze, in consumer owned infrastructure or devices including, but not limited to plumbing, water lines or related equipment~~ and the consumer has not made a good faith effort to address the break or malfunction in a timely manner or when the appeal is untimely.
- (f) *Response.* The panel shall respond in writing to the request for an adjustment within 20 days after receiving all the information necessary to make a determination on the request.
- (g) *Appeal from the decision of the panel.* If the consumer is not satisfied with the decision of the panel, the consumer may appeal in writing by following the process provided in city code sections 38-107—38-109.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance increases the length of time to file a dispute about a water bill from 7 to 14 days and also allows a consumer the ability to wait to pay the disputed bill until there is a decision on the appeal. The amendment also adds a water break or malfunction as a reason to adjust a bill, as long as the consumer can show a good faith effort to repair or address the problem in a timely manner.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: August 7, 2017

Published: August 13, 2017

Christy Wilcox, City Clerk