

RESOLUTION NO. 1102-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL REPEALING RESOLUTION NO. 770 AND ADOPTING A REVISED WATER BILL CLAIM ADJUSTMENT POLICY

WHEREAS, the City Council of the City of Rio Dell has a policy of adjusting water bills of rate payers under certain limited circumstances; and

WHEREAS, Title 13, Chapter 13.05.030 of the Rio Dell Municipal Code permits the City Council to establish procedures for water bill disputes and Resolution No. 770 was adopted to establish a policy for formalizing the adjustment of water bills; and

WHEREAS, it is the desire of the City Council to repeal and replace Resolution No. 770 to reflect a change in the procedures for resolving water bill adjustment claims.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIO DELL, CALIFORNIA AS FOLLOWS:

SECTION 1. Claims for adjustment of water bills will only be reviewed if the amount of the claim is for ten dollars (\$10.00) or more. Claims for less than this amount will not be considered.

SECTION 2: Regardless of the amount of the disputed bill, no claim will be approved over the amount of one-hundred dollars (\$100.00).

SECTION 3: Claims for adjustment of water bills may be presented, reviewed, settled, and approved by the City Manager of the City of Rio Dell without further approval of the City Council under the following circumstances and under the following conditions:

- a. Only one (1) claim for adjustment shall be allowed in any 24 month period.
- b. Claims shall be allowed only on sufficient proof to the City Manager that the claimant has incurred an extraordinarily high water bill by reason of excessive use of water due to an undetected water line break or leak, or excusable neglect.
- c. Claims shall only be allowed in circumstances in which extraordinarily high water bill exceeds the average monthly water bill by ten dollars (\$10.00) or more based on the previous 12 month water consumption at the metered location or any reasonable formula deemed appropriate at the City Manager's discretion.

- d. The amount of the adjustment shall be no more than 50% of the difference between the average monthly water bill and the high water bill represented on the water claim provided the total claim adjustment amount does not exceed \$100.00.
- e. Adjustments will only be considered after repairs have been made. The claimant shall present to the City Manager sufficient proof of repair of the water line break or leak by providing a receipt for repair parts or an invoice from a plumber for the repair, or justifiable cause for the neglect.
- f. No claim shall be considered if the claimant is not current with payment of his/her monthly water bill as of the date the claim is submitted.
- g. All claims shall be presented to the City Manager who shall review the claim for fulfillment of the above conditions. Pursuant to Rio Dell Municipal Code Title 13, Chapter 13.05.030, as may be amended, the City Manager is hereby authorized to administratively settle claims meeting the minimum standards as set forth in Section 3 of this Resolution without further approval of the City Council of the City of Rio Dell. Nothing herein shall, however, be construed to prevent the City Manager from seeking City Council approval of any claims presented pursuant to this Section.

SECTION 4: In all circumstances in which the claim for adjustment arose out of alleged negligent conduct by any employee or agent of the City arose out of alleged negligent maintenance or dilapidated condition of City owned property, the claim shall be submitted to the City Council for its consideration. This provision shall not, however, be construed to mean that the City Council will allow any such claims.

SECTION 5: All claims for adjustment shall be submitted within two months of the date of the water billing statement on a Water Bill Adjustment Claim Form attached hereto as "Exhibit A".

PASSED AND ADOPTED by the City Council of the City of Rio Dell this 18th day of January, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

EXHIBIT A TO RESOLUTION NO. 1102-2011

**CITY OF RIO DELL
WATER BILL ADJUSTMENT CLAIM FORM**

Instructions

1. Only claims exceeding an average water bill by \$10.00 or more are eligible for adjustment.
2. Present this form (with receipts for corrective measures) to the Water Department at City Hall after completion.

NAME OF CLAIMANT: _____

MAILING ADDRESS OF CLAIMANT: _____

ADDRESS OF WATER SERVICE: _____

MONTH AND REASON FOR EXCESSIVELY HIGH WATER BILL:

Only claims involving water line leaks, breaks, excusable neglect or City negligence will be considered.

I HAVE MADE THE FOLLOWING REPAIRS TO MY WATER SYSTEM:

No adjustment will be considered unless appropriate repairs or corrective measures have been taken. Attach copies of receipts.

I, _____ (Print name), declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was signed on _____, 20 ____, at Rio Dell, CA.

City Clerk, City of Rio Dell - Witness

Signature of Claimant

THIS SIDE TO BE COMPLETED BY CITY STAFF ONLY

Number of claims submitted by claimant during previous 24 months at any location and number of claims submitted by any claimant involving the same metered location: _____

Dates and locations of such claims: _____

Claimants are allowed only **ONE** adjustment in any 24 month period.

Does the claimant's reason for the requested adjustment constitute justifiable cause for the requested adjustment? _____

Has the claimant made sufficient repair or taken other appropriate corrective measures to reasonably prevent repeated problems? _____

Are copies of receipts attached? _____

Is claimant current on payment of water bill as of the date of submittal? _____

What is the amount of the disputed bill? _____

What is the claimant's average historical water bill? _____

What is the difference? _____ 50% credit amount is: _____

Period used to calculate average water bill? _____

CITY MANAGER'S DISPOSITION:

APPROVE CLAIM _____ DENY CLAIM _____

CITY MANAGER SIGNATURE _____