

RESOLUTION NO. 137-08

RESOLUTION AMENDING RESOLUTION NO 53-94, GOVERNING REDUCTION IN
UTILITY BILLS

WHEREAS, THE City of Charles City is presented with frequent requests for reduction in utility bills because of mechanical failure in a customer's plumbing system; and

WHEREAS, the City has adopted a policy for responding to these requests as incorporated in Resolution No. 53-94, and

WHEREAS, the City has determined that the procedure as set forth in this prior resolution is cumbersome and it is further determined that the charges imposed for excess water usage must accommodate that portion of the water which is received in the City's sanitary sewer system.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLES CITY that the following provisions shall govern applications for reduction in utility bills because of mechanical failure in a customer's plumbing system, effective from and after the date of the adoption of this Resolution:

1. A reduction in a customer's utility bill shall be granted only on the following terms and conditions:
 - A. Extraordinary water usage which results in a utility bill for which a reduction is sought must stem from mechanical failure which is not caused by the customer or an occupant of the affected property.
 - B. The mechanical failure must be repaired by the customer within fourteen (14) days of its discovery or receipt of notification by the City of the extraordinary usage, whichever is earlier.
 - C. No adjustment shall be made unless the water consumed in the month of extraordinary use exceeds the customer's average monthly usage by 36,000 gallons or more; except, that if the customer's average monthly usage exceeds 36,000 gallons, then the reduction shall not be granted unless the usage in the extraordinary month exceeds 200% of the average monthly usage. (Average monthly usage for the purposes of this resolution shall be calculated utilizing the volume of water over a period of two (2) years preceding the month for which reduction is sought.)
 - D. Any reduction shall be limited to the three-month billing period preceding the date that the repairs are made to the customer's mechanical (plumbing) system.
 - E. All requests for an adjustment must be made on a form provided by the City with required attachments and presented to the City Clerk within fourteen (14) days after the completion of repairs. The City Administrator shall grant or deny the application for reduction and notify the customer by ordinary mail of this decision and the amount owed. The customer may appeal the Administrator's decision to the City Council by written request mailed or delivered to the City Clerk within 10 days of the date of the Administrator's notice to the customer. The appeal will be placed on the City Council's agenda as soon as practical and the

City Clerk shall notify the customer by ordinary mail of the date of hearing at least five (5) days prior to the date of the hearing.

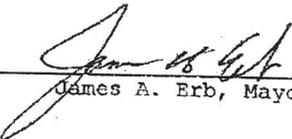
2. In the event that the customer demonstrates qualification for a reduction in the customer's utility charges under the foregoing guidelines, and is granted a reduction by the City Administrator, then the monthly bill for which reduction is sought shall be recalculated and assessed as follows:
 - A. For excess water usage that is not received by the City's sanitary sewer system, the customer shall pay water and sewage at the regular rate on the amount of the customer's average monthly consumption, and for all consumption over this amount, shall be billed at the lowest rate, excluding sewer user fee.
 - B. For excess water usage that is received by the City's sanitary sewer system, the customer shall pay water and sewer charges at the regular rate on the amount of the customer's average monthly consumption, and all consumption over this amount shall be billed at the lowest rate for water and at the then applicable flowage rate for sewer.
3. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

Council member Simonson moved the adoption of the foregoing Resolution; Council member Joerger seconded the motion to adopt, and on roll call the voting was as follows:

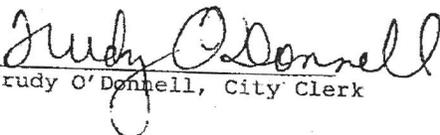
Ayes: Cerio, Freeseaman, Andrews, Simonson, Joerger

Nays:

Passed and approved this 3rd day of November, 2008.


James A. Erb, Mayor

Attest:


Trudy O'Donnell, City Clerk