

CITY OF ROLLINGWOOD, TEXAS
ORDINANCE 2012-11-07

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING CITY CODE OF ORDINANCES SECTIONS 13.04.055 AND 13.04.054 TO PROVIDE FOR PROCEDURES IN APPEALS OF WATER BILLS; TO ALLOW FOR ADJUSTMENT OF WASTEWATER CHARGES IN CONNECTION WITH AN APPEAL OF A WATER BILL; TO CLARIFY NOTICE PROVISIONS; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to allow for more flexibility in providing for procedures for resolution of appeals of utility bills, desires to allow for adjustment of wastewater bills as appropriate when a water customer establishes a mistake in the amount of water charged to the customer, and desires to clarify the procedures for various notices in connection with such an appeal;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:

SECTION 1. The City of Rollingwood Code of Ordinances ("**Code**") Section 13.04.055 is amended to provide as follows:

Sec. 13.04.055 Appeals

(a) A customer objecting to a bill may give notice of appeal of the bill to the City Secretary or his/her designee by written notice mailed or hand delivered to the City's administrative offices to the attention of the City Secretary. The city council or its designee (hereafter referred to as the "hearing officer") shall schedule a meeting where the appellant and all others with knowledge of relevant facts may present evidence relevant to the appeal. Notice of the date and time of the meeting shall be forwarded by U.S. First Class Mail to the appellant not less than seven (7) days before the meeting. In the event that, after the start of such meeting, the meeting is continued to a later date, written notice of such subsequent meeting shall be forwarded to the appellant in like manner not less than three (3) days prior to the subsequent meeting.

(b) The following rules shall apply to such appeals:

(1) A record shall be made indicating the reason for the appeal, the persons present during any meeting(s) to consider the appeal, and the decision of the hearing officer.

(2) The hearing officer shall determine what information is relevant to and may be considered in connection with the appeal, and shall be the sole judge of the evidence and the credibility of the witnesses and the facts. The city council may refer the appeal to the city's utility commission: (i) for necessary meeting(s) and to consider the appeals, to determine relevant facts, and to recommend a decision, or (ii) for the conduct of the entire appeal and final decision.

(3) If the decision is adverse to the customer, the customer shall be advised as to what action must be taken to prevent termination of service.

(4) If the decision is in favor of the customer, in whole or in part, the water utility shall be advised as to what corrective action should be taken. Wastewater charges may also be adjusted in the event of a determination that the customer has improperly been charged for water use during any applicable winter averaging months.

(5) The final decision maker shall provide for a period of time, not less than five (5) business days following the date of decision, for the appellant to pay the amount determined to be past due. When a decision is rendered in a manner other than an announcement at a meeting at which the appellant is present, written notice of the decision shall be forwarded to the appellant by U.S. certified mail, return receipt requested, and by U.S. first Class Mail. When notice of a decision is required to be mailed to the appellant, the period of time by which a past due amount found to be owing must be paid shall not begin to run until the date notice of the decision is forwarded as provided by this subsection (b)5.

(c) During the pendency of the appeal, the customer's water utility service shall be continued.

SECTION 2. Section 13.04.054 of the Code is amended to provide as follows:

Sec. 13.04.054 Notice of termination of service

A customer whose account is subject to termination for nonpayment of a delinquent account shall be given written notice not less than seven (7) days prior to the date of the proposed termination. The notice shall:

(1) Be deemed given when sent by mail or hand delivered to the billing address of the customer and to the address of the property owner, if different from that of the customer.

(2) When service is billed to a customer other than the occupant of the premises, the delinquency notice shall advise the occupants, in writing, that:

(A) There is a past due balance for the premises;

(B) If the customer has not paid the delinquent bill or taken an appeal in accordance with this article by the proposed termination date, service shall be terminated; and

(C) The occupant may pay the customer's bill, if so desired.

(3) State the reason for the proposed termination.

(4) State in bold print the customer's right to a hearing before such termination occurs.

(5) State that, if the customer desires a hearing, he must request a hearing by providing written notice of such request to the city secretary by U.S. First Class Mail or hand delivery to the City's administrative offices not later than seven (7) days from the date of mailing or date of personal delivery of the notice of termination.

SECTION 3. A caption that summarizes the purpose of this Ordinance shall be published as provided by Tex. Loc. Gov't Code § 52.011.

SECTION 4. This Ordinance shall be effective immediately upon adoption.

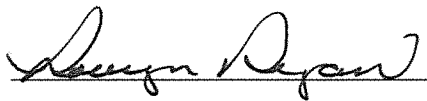
SECTION 5. If any provision of this Ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS,
on the 7th day of November, 2012.



Barry Bone, Mayor

ATTEST:



Robyn Ryan, City Secretary