

ORDINANCE NO. 22-1532

AN ORDINANCE OF THE CITY OF DENTON AMENDING CITY ORDINANCE 18-1520 CITY OF DENTON UTILITY BILLING ADJUSTMENTS POLICY TO REFLECT CHANGES ADOPTED IN CODE OF ORDINANCES TO SECTION 26-128; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on December 11, 2018 by Ordinance No. 18-1520, the City Council of the City of Denton, Texas adopted policy for the adjustment of utility billings; and

WHEREAS, on May 15, 2001 by Ordinance No. 2001-200, the City Council adopted Section 26-128 of the City of Denton Code of Ordinances to provide procedures to define qualifications for water and sewer bills due to losses from hidden water leaks or unknown causes; and

WHEREAS, on March 22, 2005 by Ordinance No. 2005-092, the City Council amended Section 26-128 of the City of Denton Code of Ordinances to provide procedures to define qualifications for water and sewer bills due to hidden water loss; and

WHEREAS, on March 22, 2022 by Ordinance No. 22-319, the City Council amended Section 26-128 of the City of Denton Code of Ordinances to provide procedures to define qualifications for water and sewer bills due to hidden water loss; and

WHEREAS the City Council now desires to amend the City of Denton Utility Billing Adjustments Policy to reflect changed adopted in Denton City Code 26-128; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The City of Denton Utility Billing Adjustments Policy shall now read as follows:

CITY OF DENTON UTILITY BILLING ADJUSTMENTS POLICY

1. Policy and Purpose. Section 12.02 of the City of Denton's Charter specifically states that the utilities shall provide no free services. However, it is the policy of the City of Denton to make adjustments to customer utility bills where said adjustment is necessary to correct billing errors, to correct errors due to equipment failure, or to fairly apply the rates and rules of the City's utilities. The purpose of this policy is to continue to deliver effective service by enabling staff to quickly and accurately respond to customer requests for adjustments to bills while ensuring compliance with the Charter. The utilities covered by this policy include electric, water, wastewater (including storm drainage), and solid waste and recycling, and rates, including miscellaneous rates, related to each currently in place by ordinance.
2. Responsibility. The Customer Service Department shall receive requests and notify the customer of the determination of the adjustment. The Customer Service Department may initiate billing adjustment requests as they become aware of such issues during the

normal operations of the department.

3. Adjustments Allowed. The Customer Service Department is authorized to make adjustments to customer utility accounts, without City Council action, in the following cases:
 - a. Billing Errors: Where an error has occurred that results in an inaccurate bill being sent to a customer, the Customer Service Department shall correct the error as soon as discovered, whether by the customer or by the Customer Service Department. These adjustments include, but are not limited to, data recording, entry errors, services provided but not billed, services not provided but billed, and meter malfunctions and meter failures, if tested and found to be inaccurate.
 - b. Penalties, Interest and Fees; Release of Lien: Where a customer incurs late penalties, interest and fees (i.e. tampering, delivery, etc.), and before a lien has been filed, the Customer Service Department may reduce or remove the late penalties, interest and fees based on account/customer circumstances and payment history. If a lien has been filed, the Customer Service Department may only reduce or remove interest; it may not reduce or remove late penalties or fees. The lien may then be released after the payment of late penalties and fees.
 - c. Wastewater: Where a customer experiences extraordinary water consumption during a billing period due to break in customer owned plumbing, equipment malfunction, etc. and said water did not enter the wastewater system, staff may adjust the wastewater charge to an amount that is more typical of that customer's normal usage. Customer's may request an adjustment for usage billed during the averaging months of December, January and February for pool fills if a customer has obtained a read before and after the pool fill from a City of Denton Water Department authorized employee
 - d. Water Leaks: Where a customer has experienced water loss due to a leak, staff may adjust an account as authorized by Section 26-128 of the City of Denton's Code of Ordinances.
4. Adjustment Period. The City shall also have the right to provide billing adjustments, consisting of back-billing or back credits, on prior billing for a period up to, but no greater than two (2) years. These prior period billing adjustments must be based on actual meter readings, verifiable evidence, or proration based on actual readings.
5. Adjustments Not Allowed.
 - a. All utilities except wastewater: The City will not consider adjustments made in any monthly bill because of any water or electric high usage, leaks, or loss, unless otherwise stated in this policy.
 - b. Wastewater. Adjustments to wastewater charges for customers who claim normal outdoor water usage where the water used did not enter the wastewater system unless otherwise stated in above approved adjustments.
6. Requests for Adjustments. The Customer Service Department may require the any request for a utility billing adjustment to be in writing. Written requests shall state the name of the account holder, service address, contact information, reason for the requested

adjustment and any applicable documents. The customer shall provide all information requested by the City and deemed necessary to make a determination on the request. When a customer makes a written request for an adjustment, the amount under consideration for adjustment shall not be payable unless otherwise requested until a determination on the adjustment is made. All other amounts not in dispute shall be due according to the respective bill.

7. Response; How Adjustment Made. The Customer Service Department shall respond to the written request for adjustment within ten (10) business days after receiving from the customer all the information necessary to make a determination on the request. When an adjustment is made, a credit for the amount of the adjustment, including any sales tax shall be made to the customer's account.
8. Reporting. The Customer Service Department shall maintain records of all adjustments made on accounts.

SECTION 2. This ordinance shall become effective immediately upon its passage and approval.

SECTION 3. To the extent not otherwise provided, this ordinance shall repeal every prior ordinance in conflict herewith, but only insofar as the portion of such ordinance shall be in conflict; and as to all other sections of the ordinance not in direct conflict herewith, this ordinance shall be and is hereby made cumulative except as to such prior ordinances or portions thereof as are expressly repealed hereby.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. The City Secretary is hereby directed to record and publish the above regulations in the City's Code of Ordinances.

The motion to approve this Ordinance was made by Jesse Davis and

seconded by Brian Beck, the Ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Vicki Byrd, District 1:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brian Beck, District 2:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Jesse Davis, District 3:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Alison Maguire, District 4:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brandon Chase McGee, At Large Place 5:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Chris Watts, At Large Place 6:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

PASSED AND APPROVED this the 16th day of August 2022.



 GERARD HUDSPETH, MAYOR

ATTEST:
 ROSA RIOS, CITY SECRETARY

By: 

APPROVED AS TO LEGAL FORM:
 MACK REINWAND, CITY ATTORNEY


 By: _____

