

Administrative Policy : Utility Disputes

Foreword

(AHMC 13.04.160: Section D6: "The Clerk-Treasurer in any dispute hearing shall have the authority to reduce the amount owed; order the full amount be paid; establish a payment schedule taking into consideration the historical usage of the premises, anticipated usage, income of the person at the service address, and any other information which the Clerk-Treasurer deems relevant; and reestablish a cutoff date for failure to meet the terms of his or her decision.")

While the AHMC Chapter 13.04.160; Section D6 states that the Clerk-Treasurer has the authority to preside at any dispute hearing and the authority to reduce the amount owed, it is believed to be in the best interest of the City of Airway Heights to establish a panel to review such actions. The panel environment would safeguard the City of Airway Heights from decisions that might be made due to political or other pressures that may arise during the dispute hearing. Therefore, the following policy and related procedures are implemented.

POLICY

The Clerk-Treasurer will forward all utility billing disputes to a panel known at the "Utility Disputes Panel". This panel will review the written request of anyone disputing utility billing amounts. A written statement of finding and determination will be filed in the appropriate city file for future reference. The Clerk-Treasurer will inform the person filing the dispute in writing of the finding and determination within ten (10) working days.

PANEL MEMBERSHIP

The panel shall consist of the Clerk-Treasurer, Public Works Director and one other city employee at large. This employee-at-large will be appointed by the Clerk-Treasurer, confirmed by the City Manager, and will serve for a period of one year.

PROCEDURE

Request for Review:

- The person disputing the utility billing amount will submit a request for review in writing to the Clerk-Treasurer.
- The Finance Department will date stamp the request and give a photocopy to the requester.
- The original request will then be forwarded to the Clerk-Treasurer for evaluation and entry into a log tracking such requests.
- Copies of the request shall be forwarded to the panel members for review.
- A meeting of the panel shall be scheduled within the next ten (10) working days. Panel members may request additional information from the Finance Department

with respect to the disputed amount in question. This information will be forwarded to the panel members in a timely fashion.

Panel Review: The panel members will review the dispute in detail and recommend a course of action to the Clerk-Treasurer. Panel member final recommendations shall be entered in writing on the original request form. Each member will initial their recommendation indicating the correctness of the comments.

After review of relevant information and recommendations, the Clerk-Treasurer will make a determination of action.

Statement of Finding: Once the panel's recommendation has been completed, the Clerk-Treasurer will complete the "statement of finding and determination". The report should include as much detail as reasonably possible. It will not be necessary to do additional research in the event this information needs to be reviewed at a later time if the information is complete.

Notification: The Clerk-Treasurer will notify in writing the person disputing the utility billing amount of the finding of the panel and his or her determination of action in this matter. The Finance Department employee who is responsible for utility billing will also be given a copy of the finding and determination. Should an adjustment and/or a payment arrangement be required, the employee will be directed to perform such action. The action taken, when and by whom shall be entered on the Finance Department copy of the finding and determination.

Filing: The Finance Department copy of the finding and determination shall be placed in the utility department files for review during the annual audit. The original dispute request shall be filed in the Clerk-Treasurer's office in the "Utility Disputes" file.

Forms: Exhibit A: Utility Dispute/Review Request 4 pages

- Page 1: Filled out by requester. Gives brief description of the dispute.
- Page 2: Statements by Finance and Public Works Department staff. Gives also a brief historical view from both the utility billing and maintenance perspectives.
- Page 3: Panel review and recommendation. Gives information such as when the meeting was held and who was in attendance. Once the detailed information of the dispute is reviewed, the panel members enter their recommendations as to what action should be taken.
- Page 4: Final determination of the Clerk-Treasurer of what action is to be taken, if any. Sign off by the Finance Department utility billing clerk that action has been taken. Gives detail of when and how the "notification of determination" was given to the person who originated the request for review.

Office Use Only

Finance Department Staff:

Date Received: _____ Received by: _____

(Please Date Stamp Here)

Utility Clerk Statement: Date: _____ Name: _____

Historical Information: _____

Current Balance Due: \$ _____ Past Due Amount: \$ _____ Agreement? _____

If agreement(s) exist, please give details: _____

Recommendation: _____

Public Works Statement: Date: _____ Name: _____

Historical Information: _____

Panel Review / Recommendation

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Date of Review / Meeting: \_\_\_\_\_

Time of Meeting: \_\_\_\_\_

Those Present:      Clerk-Treasurer:     Yes     No  
                         PW Director:             Yes     No  
                         Third Member:            Yes     No

Recommendation / Remarks of Clerk-Treasurer:

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Recommendation / Remarks of PW Director:

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Recommendation / Remarks of Third Member:

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Final Determination / Action

|                                                      |       |      |  |
|------------------------------------------------------|-------|------|--|
| <b>Brief Description of the Determination:</b> _____ |       |      |  |
| _____                                                |       |      |  |
| _____                                                |       |      |  |
| _____                                                |       |      |  |
| _____                                                |       |      |  |
| _____                                                |       |      |  |
| <b>Action to be taken:</b>                           |       |      |  |
| _____                                                |       |      |  |
| _____                                                |       |      |  |
| _____                                                |       |      |  |
| APPROVED BY: _____                                   |       |      |  |
| Signature                                            | Title | Date |  |

|                                                    |                          |
|----------------------------------------------------|--------------------------|
| <b>Finance Department / Utility Billing Clerk:</b> |                          |
| Input by: _____                                    | Date Action Taken: _____ |
| Filed In: _____                                    | Date Filed: _____        |
| (Name and Location of File)                        |                          |

|                                      |                                                                                                                                                                           |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NOTIFICATION OF DETERMINATION</b> |                                                                                                                                                                           |
| Date of Notification: _____          | Method of Notification [ <input type="checkbox"/> ] Mail [ <input type="checkbox"/> ] Fax [ <input type="checkbox"/> ] In Person [ <input type="checkbox"/> ] Other _____ |
| _____<br>Signature / Title           |                                                                                                                                                                           |

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Please note: The original form will be filed in the Clerk-Treasurer's Office in a file known as "Utility Disputes". A COMPLETED copy will be maintained in the Finance Department by the Utility Billing Clerk for audit and historical purposes.