01-O-1464

A SUBSTITUTE ORDINANCE BY
CITY UTILITIES COMMITTEE

AN ORDINANCE AMENDING SECTIONS 154-27, 154-28 AND 154-120 OF THE CITY'S CODE OF ORDINANCES TO ESTABLISH POLICIES AND PROCEDURES FOR THE ADMINSTRATION AND COLLECTION OF WATER AND SEWER BILLINGS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta wishes to improve the collection rate for water and sewer billings, reduce outstanding delinquencies, maintain reasonable water and sewer rates, provide better service to its customers and improve the water and sewer system for its citizens; and

WHEREAS, the City wishes to implement policies and procedures to allow for more effective and efficient means of encouraging timely payments of water and sewer billings; and

WHEREAS, the City has identified the need to properly reflect water and billing revenue on the City's books by prorating collections equitably to appropriate water, sewer and surcharge accounts; and

WHEREAS, the City has identified the need to establish defined policies and procedures for the collection of past due amounts and cutting services for delinquent accounts; and

WHEREAS, the City wishes to implement a charge of $5.00 or 5% of the total bill, whichever is greater, for the late payment of water and sewer billings.

NOW THEREFORE, BE HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That Section 154-27(c)(1) and (2) of the City's Code of Ordinances are amended by deleting them in their entirety and substituting in their place the following:

(c) The authority of the commissioner of water and the company, as applicable, to make adjustments in water and sewer bills is limited as follows:

(1) The commissioner is authorized and directed to make adjustments to water bills for circumstances

listed in subsection (b) of this section not attributable to meter-reading errors or computer entry billing errors not exceeding $5000.00 for each adjustment. Adjustments by the commissioner exceeding $5000 for circumstances listed in subsection (b) of this section not attributable to meter reading errors or computer entry billing errors must be approved by resolution of the council.

(2) Adjustments in water bills may be made by the commissioner of water or the company for meter reading errors or computer entry billing errors regardless of amount.

Section 2: That Section 154-28 of the City's Code of Ordinances is amended by deleting it in its entirety and substituting in its place the following:

Disputed bills.

The commissioner of water or the company shall have the duty and responsibility to provide notice and an opportunity to be heard to users of water and sewer services to resolve disputed water/sewer bill amounts prior to termination or other legal action to collect the full amount of the bill, which will include the following:

1. Written notice to consumers that they have the right to dispute such bill amounts by providing to the company on or before the due date of the bill to be disputed written notice setting forth the dispute in accordance with the instructions contained on the disputed bill, provided, however, that failure to either pay the bill or provide written notice of the dispute of the bill will be grounds for the commissioner of water or the company to provide notice that the water service may be immediately terminated without additional notice.

2. 2. The designation of employees empowered to correct mistakes in the determination of the amounts billed to customers that have properly submitted written notice of the dispute of a bill to the company, whose duties will include meeting with the disputing customer, investigating the basis of the dispute, sending a written response to the

customer of the result of the investigation prior to any termination of services or other legal action to collect the full amount of the bill. The written responses will be in the form of a certified letter and will include notice of the availability of a hearing before the water and sewer appeals board after payment of the amount in dispute.

Section 3: That Section 154-120 of the City's Code of Ordinances is amended by deleting it in its entirety and substituting in its place the following:

Sec. 154-120. Non-payment of bills.

The Department of Water and the Treasury Division of the Department of Finance will develop written policies and procedures for the billing, collection and cut-off procedures for the provision for water and sewer services. The policies and procedures developed must contain at least the following provisions:

(a) Upon the failure of any person to: [i] pay any water bill assessment, advance payment or charge against any premises for which the person is responsible by the due date set forth in the bill; or [ii] to send a written notice of dispute to the company in accordance with the instructions contained on the applicable bill, the person will be sent a notice that their service will be terminated without further notice and the commissioner of water and the company are authorized to turn off and discontinue water service to the person and premises until the bill or charge is paid, and a charge fixed by the council will be made for each turnoff. Subject to O.C.G.A. § 30-60-17, the delinquent bill or charge shall be a lien on the property where the bill or charge was incurred. In no event will the termination of service be later than 30 days from the due date of the bill for monthly bills and 60 days for bi-monthly bills.

(b) A late fee of $5.00 or 5% of the total bill, whichever is greater, will be assessed on all water and sewer bills rendered that are not paid by the established due date on the bill. The bill rendered for the following billing cycle will contain the past due

amount plus the $5.00 or 5% of the total bill, whichever is greater, late fee.

(c) The past due charges, late fee and any other appropriate charges must be paid in full before service is restored. Said late fees shall be deposited into fund, account, and center number 2J01 462601 B00001.

(d) The department of finance shall cause books recording all liens for unpaid water and sewer bills and charges to be prominently displayed for public inspection in the office where the chief financial officer keeps other lien information books and in the office where the general execution docket of the county wherein the delinquent property is located.

(e) Subject to O.C.G.A. § 30-60-17, the charge must be paid before water is turned on again unless the commissioner of water, in the commissioner's discretion, waives such charges.

(f) The commissioner of water or the commissioner's designee may authorize agreements, with the person responsible for the payment of water services, for an installment payment schedule not to exceed 12 months in order to alleviate the customer's financial burden caused by periods of high usage.

(g) The commissioner of water and the company are authorized to turn off and discontinue water service to any property where the responsible party does not meet the agreed-upon payment schedule and make timely payments for current usage charges.

(h) Water and sewer revenues collected will be prorated between the water, sewer and industrial surcharge accounts on a percentage to total bill basis when received and recorded on the books. Any partial payments received shall be applied in the appropriate percentages to the water, sewer and industrial surcharge accounts based on each accounts pro rata share of the total water/sewer bill. All past due amounts from the previous billing periods must be paid in order to continue water service. All cutoff dates must be strictly adhered to

and enforced. When calculating the application of the appropriate percentages to the water, sewer and industrial surcharge accounts on a partial payment, the methodology in the following hypothetical must be used:

i. **Total Water/Sewer/Industrial Surcharge Bill = $1000 comprised of $300 Water, $600 Sewer and $100 Industrial Surcharge;**

ii. **Pro-Rata Allocation = Water-30% + Sewer-60% + Industrial Surcharge-10%;**

iii. **Total Water/Sewer/Industrial Surcharge Bill Collected = $500;**

iv. **Allocate As Follows:**

1. **Water (.3 x $500 = $150);**
2. **Sewer (.6 x $500 = $300); and**
3. **Industrial Surcharge (.1 x $500 = $50).**

Section 4: Except as amended by this Ordinance, the remainder of Section 154-27 remains in full force and effect.

Section 5: That all ordinances and parts of ordinances in conflict with this Ordinance are repealed.