



"...meeting community needs...enhancing quality of life."

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works *PAV*

DATE: September 20, 2018

SUBJECT: **Resolution #11-R-18/Baranowski, "Whereas, the City of Appleton's recently re-evaluated the non-pervious areas for commercial properties and, Whereas, said re-evaluation has resulted in some adjustments to which commercial properties are being charged for Stormwater and, Whereas the Utility does not have a policy / code to follow for any adjustments to Stormwater rates, therefore, Be it resolved, the Utility develop a policy/code for adjustments to bills."**

In response to Alderperson Baranowski's Resolution #11-R-18, our consultant shared how several of their other clients handle Stormwater Utility bill adjustments.

- City of Racine - No specific language identified in their ordinance or resolutions regarding timing for adjustments and repayment period, but the City's Storm Water Utility Manual does address it and only goes back to the prior year's fees.
- City of Kenosha - ordinance language seems to suggest that all adjustments are only forward looking "prospective basis."
- City of Pewaukee – like Kenosha their ordinance seems to identify adjustments will only impact future billings.

The Department of Public Works and the Attorney's Office recommend the following language be added to the City of Appleton's Municipal Code:

Sec. 20-239. Method of appeal.

- (a) The Stormwater Utility charge may be appealed as follows:
- (1) A written appeal shall be filed with the City Clerk prior to the utility charge due date; or
 - (2) Within thirty (30) days of payment, a written challenge to the

stormwater charge must be filed with the City Clerk on behalf of the customer, specifying all bases for the challenge and the amount of the stormwater charge the customer asserts is appropriate. Failure to file a challenge within thirty (30) days of payment waives all rights to later challenge the charge.

(b) The committee of jurisdiction will determine whether the stormwater charge is fair and reasonable, or whether a refund is due the customer. The committee may act with or without a hearing, and will inform the customer in writing of its decision.

(c) The customer has thirty (30) days from the decision of the committee to file a written appeal to the Common Council.

(d) If the Council or the committee determine that a refund is due the customer, the refund will be applied as a credit on the customer's next quarterly stormwater billing, if the refund will not exceed the customer's next quarterly stormwater billing, or will be refunded at the discretion of the Director of Finance.

(e) The period for determining a refund pursuant to this section shall be limited to up to the customer's prior four (4) quarters of stormwater billings.