RESOLUTION NO. R15Ø8-43

RESOLUTION ESTABLISHING AN EXCEPTION TO THE CITY'S REFUND POLICY FOR INCORRECT PAYMENTS FOR SOLID WASTE, GARBAGE OR REFUSE SERVICES, ESTABLISHING A REIMBURSEMENT PROCEDURE AND ESTABLISHING A DEADLINE TO FILE A CLAIM FOR REIMBURSEMENT

WHEREAS, the City of Gallatin has adopted a refuse collection service fee refund policy whereby the City will refund no more than the prior month's overpayment or incorrect payment by a customer for refuse collection services;

WHEREAS, the City charges customers on a per refuse container basis and has done so since approximately 1997; and

WHEREAS, the City Council has deemed it the responsibility of the customer to ensure that refuse accounts are set up and billed correctly and to examine each month's statement to determine the billing is correct; and

WHEREAS, beginning with the April 2015 billing for trash services, the City began to identify the number of containers billed to each customer on their City utility bill, rather than denoting only the lump sum fee for which the customer is charged; and

WHEREAS, it has recently come to the attention of the Mayor and City Council that several customers have alleged that they have been billed and paid for two trash containers without requesting service for two containers and when in fact they only have one trash container; and

WHEREAS, the Mayor and City Council have determined that it should establish an exception to the City's general refuse collection service fee refund policy whereby the City will refund no more than the prior month's overpayment or incorrect payment by a customer for refuse collection services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE that the City of Gallatin adopts a limited exception to its refuse collection service fee refund policy and declares that for only those customers who file a claim for reimbursement with the

City of Gallatin Public Works Department, Environmental Services Division, the City shall refund up to thirty-six (36) months of overpayments by customers for refuse collection services.

BE IT FURTHER RESOLVED that all claims for reimbursement of overpayment of refuse collection service fees must be completed by customers on forms designed by the City of Gallatin and made available at the City of Gallatin Public Works Department, 641 Long Hollow Pike, Gallatin, TN, and online on the City of Gallatin's website and submitted to the Gallatin Public Works Department at 641 Long Hollow Pike, Gallatin, TN, on or before September 30, 2015.

BE IT FURTHER RESOLVED that upon submission of a claim form to the Public Works Department, the Public Works Department shall investigate all such claims and review all technology available to determine if the claim has merit. The Public Works Department shall have six (6) weeks to issue a determination. If the claim is approved, the Public Works Department shall notify the Finance Department and request reimbursement be made to the customer. If the claim is determined not to have merit, the Public Works Department shall deny the claim in writing. The customer shall have 10 days from the date of the written denial to appeal to the Mayor. The City shall have until November 30, 2015 to appropriate money for reimbursement and issue refunds.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 7

NAY: 0

DATED: August 4, 2015.

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY, CITY ATTORNEY