POLICY FOR ADJUSTMENTS ON WATER AND SEWER CHARGES

Pursuant to Mississippi Law, whether a municipality may reduce a utility bill of a customer depends upon the facts and circumstances of each case.

LEAK ADJUSTMENTS

If a leak occurs in a portion of the City owned and maintained water system, the Customer will not have to pay for either the water usage or sewer treatment attributable to the leak.

If a leak occurs in a portion of the Customer owned and maintained water system, the Customer ~~will have to pay for the increased water usage~~ may request a once per twelve (12) month adjustment, provided their account is in good standing. The Customer will not have to pay the sewer charge for any water that was not routed through the City sewer system.

The adjustment for leaks of water and sewer usage shall be based on the previous six (6) month average. Before any adjustment is granted, consumption must return to normal or the request is denied.

METER MALFUNCTIONS

If the City water meter malfunctions and results in a reading of increased usage, the Customer will not be required to pay either the water service charge or the sewer charge for any usage in excess of the previous six (6) month average.

POOL AND IRRIGATION OPTIONS

The City offers an irrigation meter (water charge only) for outdoor use. This meter will result in charges for the water usage only; there will be no sewer charges on water usage through the meter.

The City offers a fire hydrant meter for in ground pool filling. This meter will result in charges for the water usage only; there will be no sewer charges on water usage through this meter.

TAMPERING AND VANDALISM

In cases of a significant increase usage caused by tampering or vandalism which can be documented to the City's satisfaction, that portion of the bill for water and sewer in excess of the prior six (6) month average may be forgiven at the discretion of the City Manager.

PAYMENT PLANS

Any abnormally high monthly billing may be satisfied through a payment plan, which shall not exceed a twelve (12) month period, and may only be approved by the City Manager.

THIS POLICY IS SUBJECT TO CHANGE AT ANY TIME BY ORDER OF THE CITY COUNCIL

Tricia Thigpen

From: Chassity Bilbo <cbilbo@gautier-ms.gov>
Sent: Wednesday, June 11, 2014 3:05 PM
To: tthigpen@gautier-ms.gov
Subject: FW: Utility Adjustments
Attachments: img-529111852-0001.pdf; POLICY FOR ADJUSTMENTS ON WATER AND SEWER CHARGES.docx

See back up documentation below for the Council Agenda
From: Samantha Abell [mailto:sabell@gautier-ms.gov]
Sent: Wednesday, June 11, 2014 2:26 PM
To: cbilbo@gautier-ms.gov
Subject: FW: Utility Adjustments

Please see attached agenda item revising the water and sewer adjustment policy.

Thanks.

From: Josh Danos [mailto:JDanos@dwwattorneys.com]
Sent: Thursday, May 29, 2014 11:28 AM
To: Samantha Abell
Subject: Utility Adjustments

I know we discussed this verbally, but here are the AG opinions allowing utility adjustments under certain circumstances. In essence, any such adjustments may only be made if 1) there was an unreasonable increase, 2) because of unforseen circumstances, and 3) for which the customer did not receive the benefit of the utilities. There must be factual findings in each instance to grant such an adjustment.

Many cities allow 1 or 2 adjustments per year, per household.

Let me know if you need anything further on this.

Joshua W. Danos, Esq.
Dogan & Wilkinson, PLLC
734 Delmas Avenue
P.O. Box 1618
Pascagoula, MS 39567
Tel: (228)762-2272
Fax: (228)762-8246
jdanos@dwwattorneys.com

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RELATED TOPICS

Municipal Corporations

Sewers, Drains, and Water Courses

Water and Sewage Service Connection Charge Ordinance

Ms. Adrienne Howell
Office of the Attorney General July 16, 2001 (Approx. 2 pages)

2001 WL 880495 (Miss.A.G.)

Return to list 1 of 1,554 results Search term

Office of the Attorney General

State of Mississippi
Opinion No. 2001-0385
July 16, 2001

Re: Authority of municipality to reduce water bills

*1 Ms. Adrienne Howell
City Clerk
P. O. Box 1800
Ocean Springs, Mississippi 39566-1800

Dear Ms. Howell:
Attorney General Mike Moore has received your recent letter on behalf of the City of Ocean Springs and has asked me to respond. Your letter states:

As city clerk and person in charge of utility billing and collections, I am asked on occasions to adjust water and sewer bills of customers who water their lawns and fill their swimming pools. It has been the general practice of the City of Ocean Springs to adjust the sewer charges on these type accounts. Sewer charges are determined by the amount of water that is actually metered. The City has provided an alternative to allow customers to purchase a second meter wherein sewer charges would not be charged for the purposes stated. Some customers do not want to go to the expense and trouble of purchasing a second meter ($300), but would rather have us adjust their account. I have no way of knowing who used the water and for what purposes it was used. All I see is a water bill that is above average.

Thank you for your official opinion on whether or not the adjustments as outlined above are considered a donation, making them unlawful, or if they are permissable.

Miss. Const. Art. 4, Section 100 prohibits a municipality from compromising or forgiving claims which are not doubtful. In addition, Miss. Code Ann. Section 21-27-27 prohibits a municipality from giving free water service or combined water and sewer services to customers. A municipality may not reduce or forgive a utility bill of a customer as a donation for the benefit of that individual. However, a municipality may reduce a utility bill unreasonably increased because of unforseen circumstances and for which the customer did not receive the benefits of the utility service. MS AG Op., Gay (May 9, 1994).

The duties of the city clerk include collecting water and sewer fees pursuant to the statements which the utility system sends to customers based upon the rates set by the governing authorities. The city clerk does not have authority to arbitrarily reduce water and sewer bills of customers at the request of the customers. On the other hand, the governing authorities may adopt a uniform regulatory scheme allowing for adjustment of sewer fees for unusual quantities used, upon proper and sufficient proof of the circumstances.
Sincerely,

Mike Moore
Attorney General
By: Alice Wise
Special Assistant Attorney General

2001 WL 880495 (Miss.A.G.)

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RELATED TOPICS

Electricity

Regulation of Charges

Public Utilities Commission Determination of Electric Utility Projected Growth Rate

Mr. Terry Glidewell
Office of the Attorney General August 14, 2009 2009 WL 2972536 (Miss.A.G.) (Approx. 2 pages)

Return to list 12 of 1,554 results Search term Office of the Attorney General

State of Mississippi
Opinion No. 2009-00457
August 14, 2009

Re: *Adjustment of water bill*

*1 Mr. Terry Glidewell
Alderman, City of Saltillo
114 Scotland Drive
Saltillo, Mississippi 38866

Dear Mr. Glidewell:
Attorney General Jim Hood received your letter of request and assigned it to me for research and response.

Issue Presented

You inquire as to the authority of a municipality to **adjust** a **water** bill. Specifically, you ask the following:

> Can the city **adjust** a **water** bill if used to fill up a swimming pool or if a pipe burst in a house?

Response

A municipality may **adjust** a utility bill when it determines that the utility bill charge was due to an unforseen circumstance and the customer did not receive the benefit of the utility service.

Applicable Law and Discussion

Pursuant to Mississippi Constitution Article 4, Section 100, a municipality is prohibited from compromising or forgiving claims which are not doubtful and are owed to a municipality. MS AG Op., Kerby (December 5, 2003). Furthermore, we have opined that if a municipality is owed a lawful debt, such debt may not be released or extinguished, except by payment into the municipal treasury. MS AG Op., Thomas (September 4, 2007).

With respect to whether a debt is owed to the municipality, we have consistently opined that a municipality may not reduce or forgive a utility bill of a customer when the customer has received the benefits of the utility service. A municipality may only reduce a utility bill that was unreasonably increased because of unforseen circumstances and for which the customer did not receive the benefits of the utility service. MS AG Op., Barton (May 15, 2009); MS AG Op., Williams (September 12, 2008); MS AG Op., Baum (October 12, 2007); MS AG Op., Horton (August 24, 2007); MS AG Op., Gay (May 9, 1994). Whether a reduction is warranted is a factual determination to be made by the governing authority and any factual findings should be reflected in its minutes.

If our office may be of further assistance, please advise.
Sincerely,

Jim Hood
Attorney General
By: Leigh Triche Janous
Special Assistant Attorney General

2009 WL 2972536 (Miss.A.G.)

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