



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Carlos P. Baía, Deputy City Manager for Development
DATE: April 23, 2019
SUBJECT: AN ORDINANCE amending the CODE OF ORDINANCES, Title I, General Code; Chapter 9, Water, Article 9-6, Sewers and Drains; concerning the Utility Appeals Board

Recommendation

Accept this report and set the attached amendment for public hearing.

Background

The Utilities Appeals Board does not have a regular meeting schedule. It is convened, as needed, to hear appeals of City water/sewer charges. In a typical year, the UAB may hear 2-3 cases. Under the present ordinance, any customer dispute of a water/sewer charge can trigger the convening of the UAB regardless of the amount in question. This would mean that a \$25 disputed charge, for example, would require the noticing and convening a public meeting with the participation of the entire volunteer Board, the appellant, and the City's water division staff (sometimes in an overtime capacity). This is, arguably, not an efficient use of resources.

In the vast majority of the cases, appeals are denied. One exception has been in cases where the water going through the meter does not, in fact, enter the City's sanitary sewer system. In one instance, a break in a hose in a dirt basement caused a significant consumption of city water to seep into the ground rather than into the City's sewers. In that instance, the UAB felt a waiving of the sewer charges was warranted.

Discussion

In light of the long case history and precedent of the board decisions, the UAB has discussed affording the General Services Department (GSD) with greater administrative discretion in terms of the appeal process. Changes proposed in the attached ordinance would allow the GSD Director to make decisions on appeals where the amount in question is \$100 or less or when there is reasonable evidence that the water consumed did not enter the city's sewer system. Appellants would still have the recourse of appealing the Director's decision to the UAB.