

ORDINANCE NO. __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SECTION 14.12.070 OF THE GARDEN GROVE MUNICIPAL CODE TO DESIGNATE THE ADMINISTRATIVE BOARD OF APPEALS AS A HEARING BODY FOR BILLING DISPUTES.

City Attorney Summary

This Ordinance amends Section 14.12.070 of the Garden Grove Municipal Code to designate the Administrative Board of Appeals as the appeals body to decide water billing disputes with the City.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Section 14.12.070 of Chapter 14.12 of Title 14 of the Garden Grove Municipal Code is hereby amended as follows (additions shown in ***bold/italics***; deletions shown in **~~bold/strikeout~~**):

14.12.070 ***Water Billing Appeals Adjustment of Rates***

A. In the event of any dispute as to a charge to a customer, the Public Works Director or designee shall determine if the City is responsible. If, in the determination of said Director, the City is adjudged to be responsible, the Public Works Director may adjust the charge. If, in the determination of ~~said the~~ Director, the responsibility is determined to be other than the City, no adjustment shall be granted. After the receipt of the decision of the Public Works Director regarding the responsibility of the disputed charge, the customer shall have the right to file an appeal of such determination within ~~10~~ ***15*** days. The ~~City Council~~ ***Administrative Board of Appeals*** shall consider the appeal and the report of ~~said the~~ Director regarding the circumstances of this determination. The ~~City Council~~ ***Board*** shall decide whether or not to grant an adjustment and the decision of the ~~City Council~~ ***Board*** in respect thereto shall be final and conclusive. *

~~* A manual of City Council procedure is on file in the City Clerk's Office.~~

B. Pursuant to Code of Civil Procedure Section 1094.6, any petition for judicial review shall be filed not later than 90 days after the Board makes its final decision. The provisions of Section 1094.6 shall apply. The secretary of the Board shall notify the appellant that filing a petition for an administrative writ is subject to the 90-day time limitation set forth in Code of Civil Procedure Section 1094.6.

SECTION 2: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 3: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.