

1 (Published in the Topeka Metro News November 14, 2008)

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3 **ORDINANCE NO. 19124**

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5 AN ORDINANCE introduced by Councilmember John Alcala creating §146-18 and
6 §146-19 of the Code of the City of Topeka which establishes a water
7 and wastewater utility rate refund program for the City of Topeka, as
8 well as repealing original §146-147.
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10 WHEREAS, water and wastewater utility rate increases have a disproportionate
11 impact on lower income customers; and

12 WHEREAS, the Council of the City of Topeka, Kansas, hereby finds that it is in the
13 best interest of the City of Topeka to provide lower income customers with relief from rising
14 municipal utility rates by establishing a water and wastewater utility rate refund program.

15 WHEREAS, the State of Kansas has established a Homestead Program to provide a
16 rebate of property taxes for certain eligible low income residents of Kansas; and

17 WHEREAS, the State of Kansas has established criteria to determine which low
18 income customers should be entitled to the benefits of the Homestead Program; and

19 WHEREAS, the City Council of the City of Topeka finds that the State of Kansas
20 Homestead Program establishes a reasonable basis for a City of Topeka Utility Rebate
21 Program to provide assistance to low income customers; and

22 WHEREAS, the Council of the City of Topeka hereby finds that the City's Water and
23 Wastewater Utility Rate Refund Program be based on the same criteria as the State of
24 Kansas Homestead Program Refund.

25 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 TOPEKA, KANSAS:

27 Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by
28 adding a section, to be numbered 146-18, which said section reads as follows:

29 **Water and Wastewater Utility Rate Refund Program.**

30 (a) Established. There is hereby established a Water and Wastewater Utility
31 Rate Refund Program in the City of Topeka. Subject to the terms and conditions
32 established herein, eligible water and wastewater utility customers in the City of Topeka
33 may receive a refund of the increase in the minimum monthly rate for water and wastewater
34 rates paid by the residential utility customer for property located within the corporate limits
35 of the City of Topeka. The water and wastewater utility rate refund shall be the amount the
36 minimum monthly rate exceeds that in effect for water and wastewater on January 1, 2008.

37 (b) Eligibility. Commencing January 1, 2009, only those utility customers who
38 during the prior tax year fit the income and other requirements of the State of Kansas
39 Homestead Property Tax Refund Law, as amended from time to time, and actually receive
40 a refund from the State of Kansas homestead property tax refund program, as provided in
41 K.S.A. 79-4501, *et seq.*, as amended, may apply for water and wastewater utility refunds as
42 provided herein.

43 (c) Refund Procedure. Water and wastewater utility rate refunds shall be issued
44 pursuant to the following procedure:

45 1. Application for a water and wastewater utility rate refund shall be made by
46 September 5 of 2009 and of each subsequent year for the preceding tax year
47 for which the utility customer paid water and wastewater utility rates.

48 2. Applications shall be made on a form approved by the City of Topeka public
49 works director and shall be accompanied by the following documents and
50 information:

51 A. Proof that a homestead property tax refund claim form was filed and
52 that a property tax refund was issued for the preceding calendar year.

53 B. Proof in a form acceptable to the public works director that the water
54 and/or wastewater utility services were actually provided by the City of
55 Topeka.

56 3. Approval of Application.

57 A. Upon receipt of the required application, documents and information,
58 the City of Topeka public works director shall, within thirty (30) days,
59 either issue a credit in the amount which the increase in the minimum
60 monthly rate for water and wastewater rates exceeds those in effect
61 on January 1, 2008, to the utility customer, or may, in the sole
62 discretion of the public works director, issue a check in the amount of
63 the refund.

64 B. In the event the utility customer has any delinquent or unpaid charges,
65 fees, administrative monetary penalties, or other charges to any
66 department or division of the City of Topeka, the amount of the refund
67 will be set off against such outstanding charge, fee, or penalty.

68 4. Rejection of Application.

69 A. If the refund application is rejected for any reason, the public works
70 director shall within that same thirty (30) day period notify the utility
71 customer in writing of the reason for the rejection.

72 B. A utility customer whose application is rejected may appeal the
73 rejection to the City of Topeka City Manager whose decision on the
74 matter shall be deemed final and unappealable.

75 (d) Effective date. This ordinance shall be in effect until September 5, 2012.

Section 2. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 146-19, which said section reads as follows:

No free service or discrimination in rates.

No person nor any city department shall be allowed free use of water, nor shall there be discrimination among water, wastewater or stormwater customers of like classes as to rates; and rebates in rates shall never be allowed to any person or city department except as an inducement to prompt payment of water, wastewater or stormwater rates unless otherwise provided in this chapter.

Section 3. That section 146-147, No free service or discrimination in rates, of The Code of the City of Topeka, Kansas, is hereby repealed:

~~No free service or discrimination in rates.~~

~~No person nor any city department shall be allowed free use of water, nor shall there be discrimination among water users of like classes as to rates; and rebates in rates shall never be allowed to any person or city department except as an inducement to prompt payment of water rates.~~

Section 4. This Ordinance shall take effect and be in force on and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council July 8, 2008.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk