

ORDINANCE NO. 2014 - 08



**AN ORDINANCE of the City of Sunnyside, Washington, Creating a New Chapter 1.17 "Corrections, Adjustments, and Refunds"**

**WHEREAS**, the City finds and determines that the addition of a new chapter regarding Corrections, Adjustments, and Refunds to the Sunnyside Municipal Code is necessary; and

**WHEREAS**, adopting such an ordinance will encourage the use of administrative processes over judicial review; protect the agency autonomy by allowing the City the first opportunity to apply its expertise, exercise its discretion, and correct its errors; aid in judicial review where necessary by promoting the development of facts during the administrative process; and promote judicial economy by reducing duplication and minimizing judicial involvement where appropriate; and

**WHEREAS**, the City Council finds and determines that such addition is in the best interest of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1.** That a new Chapter 1.17 entitled "Corrections, Adjustments, and Refunds" of the Sunnyside Municipal Code, shall be and hereby is created and shall read as follows:

**Chapter 1.17  
CORRECTIONS, ADJUSTMENTS, AND REFUNDS**

Sections:

- 1.17.010 Intent – Governing law
- 1.17.020 Definitions
- 1.17.030 Time Period
- 1.17.040 Administrative appeal

**1.17.010 Intent – Governing law.**

It is the intent of this chapter to provide an administrative process for any person or entity seeking correction, adjustment, refund or reimbursement for any payment of any utility bill, fee, tax, assessment or other consideration for a service provided by the City and;

- (1) To encourage the use of administrative processes over judicial review;
- (2) To protect agency autonomy by allowing the City the first opportunity to apply its expertise, exercise its discretion, and correct its errors;
- (3) To aid in judicial review where necessary by promoting the development of facts during the administrative process, and;
- (4) To promote judicial economy by reducing duplication and minimizing judicial involvement where appropriate.

**1.17.020 – Definitions.**

The following words and phrases, as used in this chapter, shall be construed as defined in this section.

A. "Voluntary payment" means a payment made to the City without written protest setting forth the reasons the payment is made in protest.

B. "City" means the City of Sunnyside.

**1.17.030 – Time Period.**

Except as provided for herein, in all cases of the voluntary payment of any utility bill, fee, tax, or other consideration for a service provided by the City or any of its employees, resulting in either an overpayment or underpayment of the true amount due, whether or not the result of mistake of law, mistake of fact, inadvertence or error, such payments may be adjusted or corrected only within one year (365 days) of payment. The correction, adjustment or refund of all or any portion of such payment is barred one year (365 days) following payment to the City. Provided, in cases where the under-billing is the result of false or inaccurate information provided or procured by the customer or taxpayer, this limitation shall not apply.

**1.17.040 – Administrative appeal.**

Any person seeking correction, adjustment, refund or reimbursement for any payment of any utility bill, fee, tax, assessment or other consideration for a service provided by the City, shall, prior to any judicial action, present to the City Manager, or his designee, a written protest stating the basis upon which such correction, adjustment or refund is requested. The City Manager, or his designee, shall make a written determination on the protest within sixty (60) days of the date of its filing with the City Clerk. All bills, fees, assessments or taxes must be remitted prior to the filing of an appeal.

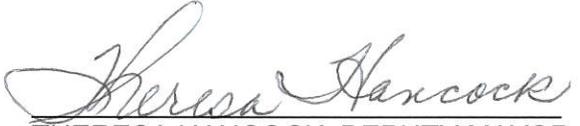
**SECTION 2.** Except as amended herein, Title 1 of the Sunnyside Municipal Code shall remain unchanged.

**SECTION 3.** This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

First Reading: May 27, 2014

Second Reading: June 9, 2014

**PASSED** this 9<sup>th</sup> day of June, 2014.

  
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THERESA HANCOCK, DEPUTY MAYOR

**ATTEST:**

  
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DELILAH SAENZ, CMC, CITY CLERK

**APPROVED AS TO FORM:**

  
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KERR LAW GROUP, PLLC  
Attorneys for the City of Sunnyside