

**CITY OF EL PASO, TEXAS  
REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** Environmental Services

**AGENDA DATE:** August 19, 2008

**CONTACT PERSON/PHONE:** Ellen A. Smyth, P.E., (915) 621-6719

**DISTRICT (S) AFFECTED:** All Districts

**SUBJECT:**

Approve a Refund Policy

**BACKGROUND / DISCUSSION:**

The amended refund policy will allow the department to give refunds for overcharge for duplication of services, credit balances and posting errors. The type of refunds are for residential garbage collection, special collections, landfill fees paid on customer accounts and landfill permits. The refund will not be for a period exceeding forty-eight (48) month period. Any requests for refund that are not substantiated by the facts will be referred to the City Attorney's Office for review. Requests for refunds that exceed the 48 month period must be submitted via a claim to the City of El Paso.

**PRIOR COUNCIL ACTION:**

March 19, 1996

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) Josette Flores

**FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_

(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

# RESOLUTION

**WHEREAS**, on March 19, 1996, the City of El Paso (the "**City**") adopted the Department of Solid Waste Management Refund Policy (the "**Policy**");

**WHEREAS**, the City has reviewed the Policy and as a result of such review now desires to revise and restate the Policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City hereby adopts the revised and restated Environmental Services Department Refund Policy Regarding Solid Waste Services which is attached hereto as *Exhibit A* and incorporated herein by reference.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

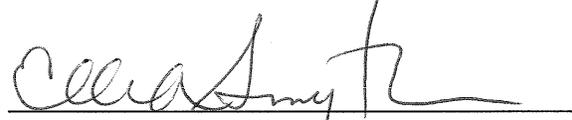
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hadley A. Huchton  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Ellen Smyth  
Director, Environmental Services

CITY CLERK DEPT.  
08 AUG 12 PM 12:18

## **EXHIBIT A**

### **ENVIRONMENTAL SERVICES DEPARTMENT**

Refund Policy Regarding Solid Waste Services – Amended August 19, 2008

#### Policy:

If substantiated by its research of the facts, the Environmental Services Department (the "Department") is authorized to refund any customer for the total amount of overcharge, credit balance, or posting error as stated herein, provided that the refund is not owed for a period exceeding forty-eight (48) months, for the following reasons:

- (a) overcharge for duplication of services;
- (b) credit balances; and
- (c) posting errors.

Review of refund requests by the City Attorney's Office is required only if the Department does not substantiate the facts for the requested refund.

#### Types of Refunds:

Refunds may be issued on the following types of accounts:

- (a) residential garbage collection;
- (b) special collections;
- (c) landfill fees paid on customer accounts; and
- (d) landfill permits.

Exception: Residential customers who do not provide proper identification when using the landfills will not be refunded fees paid.

#### Procedure:

All requests for refunds must be submitted by the requesting party in writing to the Director of the Department. Any documents supporting the refund request should accompany the written request for a refund.

Upon receipt of the request, an investigation will be conducted by the Environmental Services Department. The party requesting the refund will be notified in writing of the results of the investigation.

The Director of the Department is authorized to give refunds in amounts not to exceed the total amount of overcharge, credit balance, or posting errors, provided that the refund is not owed for a period exceeding forty-eight (48) months, to the requesting party.

If the requesting party disagrees with the Department or the City Attorney's Office disposition of their refund request, the requesting party may submit a claim to the City of El Paso.