

*Water & Wastewater Authority
Of Wilson County, Tennessee*

RULES AND PROCEDURES

Part I Grievances

01. The Board of Commissioners of the Water and Wastewater Authority of Wilson County, Tennessee, hereinafter referred to as “the Board”, acknowledges the enactment of Chapter 1050 of the Public Acts of 2016 and its application to the Board. The Chapter is now codified at Tennessee Code Annotated, Section 68-221-608.

02. It is the intent of the Board to adopt rules and procedures, as set out herein, to implement the legislation.

03. Any person aggrieved by an appealable action of the Board or the Board’s officers or employees, may appeal the action by filing a written notice of the challenged action stating the following:

- a. The action being appealed;
- b. The date of the appealed action;
- c. The manner in which the person is aggrieved;
- d. Each factual or legal basis for the appeal; and
- e. The relief sought.

04. The notice of appeal shall be dated and signed by the appellant and shall include the appellant’s mailing address and telephone number, and, if available, the appellant’s electronic mail address.

05. a. Appeals of a decision of an officer or employee: If the appellant desires to appeal an appealable action of an officer or employee of the Board, a notice of appeal shall be filed with

the Authority's executive director, or the executive director's designee, within fifteen (15) calendar days immediately following the date of the action being challenged in the notice. The executive director is hereby authorized to designate another person or persons to receive and or decide such notices of appeal. The designee shall date on the notice of appeal the day and time of receipt and promptly deliver the notice of appeal to the executive director, or if authorized by the executive director, may act in the place and stead of the executive director and render a decision on the issues set out in the notice of appeal. The decision of the executive director or the executive director's designee shall constitute a final disposition of the appeal unless a request for review by the Board is timely filed.

b. Request for Board review of a decision by the executive director or designee on a notice of appeal: If the appellant requests a review by the Board of the executive director's or designee's decision on a notice of appeal, the appellant shall file written notice of such request with the executive director of such request within fifteen (15) calendar days immediately following the date of the decision on the notice of appeal. The matter will then be scheduled for hearing at the next available meeting of the Board. The Board shall have the power to reverse or modify the decision of the executive director or designee. Absent such reversal or modification, the decision of the executive director or designee, as stated in the written decision provided for in paragraph 6 herein, shall be affirmed and such written decision shall be the action of the Board. The determination of the board shall constitute a final disposition of the appeal.

c. Appeals of a decision by the Board: If the appellant desires to appeal an appealable action of the Board, the appellant shall give written notice to the executive director of such request within fifteen (15) calendar days after the meeting of the Board at which the challenged decision was made. The matter will then be scheduled for hearing at the next

available meeting of the Board. The decision by the Board shall constitute a final disposition of the appeal.

06. The executive director, designee, or Board, as appropriate to the stage of the proceedings, shall determine all factual and legal issues raised in an appeal and shall state in writing to the aggrieved person the reasons for the decision.

07. An “appealable action” is defined to mean:

a. An action relating to the Authority’s duty to establish, charge, administer, and collect fees, rates, charges, penalties and deposits; and

b. Other decisions designated by the Board as appealable actions: If and when other actions are designated as appealable actions, notice thereof shall be included in the minutes of the Board and posted on the Authority’s website.

c. An appealable action does not include any action relating to the issuance of bonds or debt, any civil service plan subsequently adopted nor any other action not specifically adopted by the Board and notice posted as set out herein.

08. Failure of an appellant to comply with all of the requirements set out herein and in TCA 68-221-608, shall be a waiver by the appellant of the dispute or contest.

09. Judicial review of a final disposition of an appeal may be made in the manner designated by TCA 68-221-608.

10. The rules and procedures set out herein shall be effective July 1, 2016 and all existing rules, procedures and policies relating to grievances and complaints are repealed effective on such date, including but not limited to, the present Grievance Policy contained in Part I of the Consolidated Regulations Pertaining to Sewer Services.