

MEETING DATE: 02/14/10

AGENDA ITEM: Adoption of an Ordinance Amending Section 5.01.080 of the Culver City Municipal Code (CCMC) to Delegate Certain Authority for the Approval of Waivers of Late Charges for Delinquent Refuse Accounts.

ATTACHMENTS

	<u>Pages</u>
1. Proposed Ordinance	1-3

ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING SECTION 5.01.080 OF THE CULVER CITY MUNICIPAL CODE TO AUTHORIZE CERTAIN CITY STAFF TO WAIVE REFUSE LATE CHARGES UNDER CERTAIN CIRCUMSTANCES.

The City Council of the City of Culver City, California, DOES HEREBY
ORDAIN as follows:

SECTION 1. Section 5.01.080 of the Culver City Municipal Code is hereby amended to read as follows:

§ 5.01.080 DELINQUENT ACCOUNT.

- A. **Late Charge.** If payment is not received in the office of the City Treasurer on or before the due date established in § 5.01.075, the account shall be considered delinquent and a late charge of fifty percent (50%) shall be added to the face amount of the bill prepared during the month the account became delinquent.
- B. **Request for Waiver.**
1. The City Manager shall create written policies and procedures for considering and approving a request for waiver of late charges.
 2. The City Manager, or his/her designee, has the authority to approve a request for waiver of late charges in amounts up to Two Hundred Fifty Dollars (\$250).
 3. The City Manager, or his/her designee, in consultation with the Chief Financial Officer and the Public Works Directors, has the authority to approve a request for waiver of late charges in amounts greater than Two Hundred Fifty Dollars (\$250) but less than Five Thousand Dollars (\$5,000).
 4. Any request for waiver of late charges in amounts of Five Thousand Dollars (\$5,000) or greater may only be approved by the City Council. The City Council's determination regarding such request shall be final.

1 5. The City Manager's denial of a request for waiver may be
2 appealed to the City Council. Appeals shall be submitted in
3 writing and filed with the City Clerk within fifteen (15) days of the
4 denial of such request.

5 C. **Penalties.** Delinquent accounts, including late charges, shall be
6 recoverable by civil action of the City. Willful failure to pay a delinquent
7 account shall be deemed a violation of this Code and be punishable as
8 a misdemeanor.

9 D. **Suspension of Service.** In addition to the penalties and remedies
10 established in this Section, the City Agent may suspend service to an
11 account which has been delinquent for longer than sixty (60) days,
12 provided not less than thirty (30) days written notice of the suspension
13 has been given to the account holder at the service address and full
14 payment has not been received. Solid waste collection services may be
15 reinstated upon full payment of the delinquent account.

16 **SECTION 2.** Pursuant to Section 619 of the Culver City City Charter, this
17 ordinance shall take effect thirty (30) days after its adoption. Pursuant to Section 616 and
18 621 of the Culver City City Charter, prior to the expiration of fifteen (15) days after the
19 adoption, the City Clerk shall cause this ordinance, or a summary thereof, to be published
20 in the Culver City News and shall post this ordinance or a summary thereof in at least three
21 (3) places within the City.

22 **SECTION 3.** The Culver City City Council hereby declares that, should any
23 provision, section, subsection, paragraph, sentence, phrase or word of this ordinance be
24 rendered or declared invalid or unconstitutional by any final action in a court of competent

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jurisdiction or by reason of any preemptive legislation, the Culver City City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

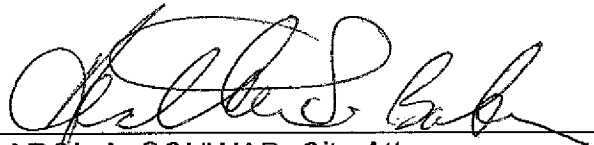
APPROVED and ADOPTED this _____ day of _____ 2011.

CHRISTOPHER ARMENTA, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE, City Clerk


CAROL A. SCHWAB, City Attorney

A11-00035