

**City of Culver City, California
Agenda Item Report**

Meeting Date: 02/07/2011		Item Number: <u>C-7</u>	
CITY COUNCIL AGENDA ITEM: Introduction of an Ordinance Amending Section 5.01.080 of the Culver City Municipal Code Regarding Delegation of Authority for the Approval of Waivers of Late Charges for Delinquent Refuse Accounts.			
Contact Person/Dept.: Jeff Muir/Finance		Phone Number: (310) 253-5865	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Commission Action Required: Yes ☐ No ☐ Date: _____			
Public Notification: (E-Mail) Meetings and Agendas – City Council (02/02/11)			
Department Approval: Jeff Muir (01/18/11)		City Attorney Approval: Carol Schwab (by H. Baker) (02/01/11)	
Chief Financial Officer Approval: Jeff Muir (01/18/11)		City Manager Approval: John M. Nachbar (02/02/11)	
<u>RECOMMENDATION</u> Staff recommends that the City Council introduce the proposed 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. <u>BACKGROUND</u> At the City Council meeting of October 19, 2009, the City Council approved the staff recommendation to delegate authority for the waiver of delinquent refuse late charges and directed staff to bring back the necessary Ordinance. Due to the subsequent temporary absence of the Chief Financial Officer, this item was not able to be brought back until this time. The current CCMC requires that refuse payments be received by the last day of the month. Payments not received by the last day of the month are subject to a late charge of 50%. This is a very high late charge, but it also serves as an incentive for on-time payments. There is no language in the CCMC that provides any authority for staff to waive late charges under any situation. The only provision for any kind of appeal is related specifically to charges for special collections. There are occasionally situations where staff feels a waiver of the late charges would be appropriate. The Finance Department normally gets several such requests per year. In situations where a customer has a good payment history and a reasonable excuse, staff feels it would be appropriate and more efficient to have authority to consider such			

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requests. The purpose of this item is to amend the CCMC to delegate some authority in this regard to the City Manager or his designees.

DISCUSSION

As recommended and approved in the October 19, 2009 staff report, this proposed Ordinance will delegate authority to approve the waiver of late charges for delinquent refuse charges as follows:

- For late charge waiver requests up to and including \$250: the City Manager (or his designee) may approve such requests.
- For late charge waiver requests over \$250 but less than \$5,000: the City Manager (or the Assistant City Manager acting on his behalf), may approve such requests in consultation with the Chief Financial Officer and the Public Works Director.
- For late charge waiver requests over \$5,000: such requests must receive City Council approval.

If this Ordinance is enacted, a consistent Administrative Policy shall be issued by the City Manager governing the conditions under which such a request could be approved.

FISCAL IMPACT

Approval of this item could result in occasional and immaterial waivers of late charges in the future. This would only affect the Refuse Fund.

ATTACHMENTS:

Proposed Ordinance

MOTION:

That the City Council:

introduce an Ordinance amending Section 5.01.080 of the Culver City Municipal Code.