

# ORDINANCE NO. 90-028

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUN 5 1990

AN ORDINANCE AMENDING CHAPTER 64 OF THE SACRAMENTO CITY CODE RELATING TO THE FUNCTION OF THE FINANCE DEPARTMENT, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 64 of the Sacramento City Code is hereby amended to read as follows:

**Article I. Department of Finance: General**

**Section 64.100 Department of Finance.**

The Department of Finance shall be responsible to the City Manager for the financial affairs of the City.

**Section 64.101 Director of Finance.**

The Director of Finance shall have direct supervision over the department of finance and the administration of the financial affairs of the city and shall carry out any duties imposed by the city charter on the controller. For purposes of this chapter, the Director of Finance shall mean the Director or his or her designee.

**Article II. Billing for Utility Services**

**Section 64.200 Billing for utility services.**

Notwithstanding any provision in this code to the contrary, taxes, fees, and charges for all city utility services provided for in this code (water, storm drainage, sewer, regional sewer, garbage and garden refuse) shall be billed on one bill in one total amount to the owner of the property to which such utility services were rendered. For purposes of this section, owner shall mean the person to which the property was assessed in the last equalized assessment roll of the County of Sacramento unless the Director of Finance shall have knowledge of the name of a person other than assessee claiming record ownership of such parcel of real property.

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**Section 64.201 Billing Period**

All City utility services shall be billed on a monthly basis in a manner determined by the Director of Finance.

**Section 64.202 Delinquent Charges - Constitute Lien**

Charges for utility services are due upon presentation of the bill for services. Charges unpaid fifteen days after presentation of the bill for services become past due (delinquent). Charges that remain unpaid 45 days following the past due date shall be assessed a twenty percent (20%) penalty. Charges that remain unpaid 30 days following the assessment of the twenty percent (20%) penalty shall become a lien on the real property to which the utility services were rendered. The owner shall be notified by the Director of Finance that the charges are unpaid and that subsequent proceedings will be taken to make the charges a special assessment on the real property to which such utility services were rendered.

**Section 64.203 Lien Recorded — Procedure**

- (a) Notwithstanding any provision of this code to the contrary, any utility service charge which has been delinquent for 75 days or more shall be subject to having the lien provided for in section 64.202 recorded with the County Recorder of the County of Sacramento pursuant to the procedure provided in this section.
- (b) Prior to the recordation of a lien for delinquent charges, the Director of Finance shall cause the notice of an opportunity for hearing on the delinquent charges to be mailed to the owner. Such notice shall be mailed postage prepaid. If the owner desires a hearing thereon, he shall request such a hearing by notifying the Director of Finance thereof in writing within ten (10) days after the date shown on the notice. Any such hearing shall be set no earlier than ten (10) days after receipt of the owner's request. The hearing shall be held before the Director of Finance. The decision of the Director of Finance shall be final and conclusive.
- (c) At the expiration of the time within which to request a hearing, or upon a decision adverse to the owner after hearing, the Director of Finance shall cause such lien to be recorded with the Sacramento County Recorder in the form and manner prescribed by law. Thereafter, such lien shall not be released by the Director of Finance unless and until it is fully and completely paid.

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- (d) The Director of Finance is hereby authorized to determine the amount of delinquency which will subject an individual lien to the recording procedures of this section.

**Section 64.204 Same—Collected as Special Assessment.**

Not less often than once a year, the Director of Finance may initiate proceedings to make delinquent utility services fees a special assessment against the parcels of property situated within the city to which such services were rendered.

**Section 64.205 Same—Report Transmitted to Council.**

A report of delinquent charges shall be transmitted to the council by the Director of Finance. Upon receipt by the council of the report, it shall fix a time, date and place for hearing the report and any protests or objections thereto.

**Section 64.206 Same—Notice of Hearing.**

The council shall cause notice of the hearing to be mailed to the owner of the real property to which the service was rendered not less than 10 days prior to the date of the hearing. The notice shall be mailed to the address of the owner as shown on the last equalized assessment roll or such other address of the owner as may be known by the Director of Finance.

**Section 64.207 Same—Hearing.**

At the time fixed for consideration of the report, the council shall hear it with any objections of the owners liable to be assessed for delinquent accounts. The council may make such revisions, corrections, or modifications of the report as it may deem just; and in the event the council is satisfied with the correctness of the report (as submitted or as revised, corrected or modified), it shall be confirmed or rejected by resolution. The decision of the city council on the report and on all protests or objections thereto shall be final and conclusive.

**Section 64.208 Same—Manner of Collection; Applicability of Other Liens, Laws, etc.**

Upon confirmation of the report by the council, the delinquent charges contained therein shall constitute a special assessment against the property to which the services were rendered. Thereafter such assessment may be collected at the same

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time and in the same manner as ordinary secured property taxes are collected and shall be subject to the same penalties and same procedures of sale as provided for delinquent ordinary secured property taxes. The assessments shall be subordinate to all existing special assessment liens previously imposed upon the property and paramount to all other liens except those for state, county and municipal taxes with which it shall be upon parity. The lien shall be continued until the assessment and all interest and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessments.

**Section 64.209 Same—Report to be Transmitted to Auditor**

A certified copy of the confirmed report shall be filed with the county auditor on or before August 1. The descriptions of the parcels subject to the special assessment shall be those used for the same parcels on the county assessor's map books for the current year.

**Section 64.210 Discontinuance of utility services for nonpayment of charges.**

If any person shall fail or refuse to pay all or part of the lawful charges, including both delinquent and current charges, for any utility services, the water service and other services to the premises, regardless of tenancy, shall be discontinued in accordance with the procedures set forth in this division.

**Section 64.211 Discontinuance of utility services for nonpayment of charges — requirement of advance notice.**

Prior to the discontinuance of any utility service for nonpayment of the bill, or nonpayment of a portion thereof, the Director of Finance shall cause a written notice that water services and other utility services will be discontinued for nonpayment of charges and notice of an opportunity for a hearing with the Director of Finance to present objections to the outstanding bill and to protest the proposed termination of utility services as unjustified to be mailed postage prepaid to the persons specified in Section 64.212. The deadline for requesting a hearing shall be no less than ten (10) days after the date of mailing the notice.

**Section 64.212 Discontinuance of utility services for nonpayment of charges to — whom notice shall be sent.**

If the bill is one for commercial utility services, the notice required by Section 64.211 shall be sent to the customer at the address of the property to which the services were rendered or at such other address as the customer may have given, in writing, to the Director of Finance.

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If the bill is one for domestic utility services, the notice required by Section 64.211 shall be sent to the owner of the property to which such utility services were rendered (as defined in Section 64.200) and, if the address of the owner is not the address of the property to which such utility services were rendered, notice also shall be sent to the address of the property to which such utility services were rendered, addressed to "Occupant."

**Section 64.213 Discontinuance of utility services for nonpayment of charges—contents of notice.**

The notice required by Section 64.211 shall be substantially in the following form:

NAME: \_\_\_\_\_  
SERVICE ADDRESS: \_\_\_\_\_

NOTICE: Pursuant to Section 64.210 of the Sacramento City Code, the City will shut off water service at \_\_\_\_\_ on \_\_\_\_\_, or as soon thereafter as possible unless the delinquent balance of \$ \_\_\_\_\_ is paid in full or arrangements for payment are made by 5:00 p.m. on \_\_\_\_\_. Additionally, a lien may be placed on your property.

You have a right to a hearing before the service is shut off. If you wish to present objections or to protest the proposed shut-off of utility services as unjustified, or to request a payment schedule of the delinquent charges, you must request a hearing date no later than \_\_\_\_\_, at 5:00 p.m. To request a hearing, contact \_\_\_\_\_ at 449-\_\_\_\_\_ or go in person to City Hall, 915 I Street, Room 104, Sacramento, between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday.

Section 64.217 of the Sacramento City Code provides that utility services shall not be discontinued at premises occupied by senior citizens or disabled persons of limited income. To find out if you qualify, you must contact this office to request a hearing. If you are a tenant of residential premises, you may request a hearing, and a service shut off delay of fifteen (15) days. The hearing will be informal and will be held before an employee of the City of Sacramento who is authorized to review disputed bills and correct any errors.

Contact \_\_\_\_\_ at 449-\_\_\_\_\_ for information on the availability of financial assistance.

If your water service is shut off, the total due on the account must be paid, in addition to a \$ \_\_\_\_\_ reconnect charge.

When this bill is paid, you must advise \_\_\_\_\_ of the Water Shut Off Program to insure continued service. If you have any questions about this notice or hearing procedures, call 449-\_\_\_\_\_ or go to City Hall, 915 I Street,

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Room 104, Sacramento, California between the hours of 7:30 a.m. and 5:00 p.m., Monday through Friday. If you have already paid your delinquent bill, contact this office.

**Section 64.214 Hearing — Procedure.**

Upon receipt of a request for hearing, a hearing shall be scheduled not later than ten (10) days from the date of the request. The hearing shall be conducted in an informal manner by an employee of the city who shall have been designated by resolution of the city council to conduct such a hearing and who shall be authorized by the resolution to review disputed bills and to correct any errors. At the hearing evidence may be presented and shall be considered bearing on whether the correct amount has been charged for the service which has been rendered and whether such amount has been paid or is delinquent. At the conclusion of the hearing, the person conducting the hearing shall make a decision based upon the evidence and shall have the authority to adjust the amount due in a fair and equitable manner. The person conducting the hearing shall also have the authority to delay the date of utility service discontinuance under Section 64.215 by up to 15 additional calendar days if the premises served is a dwelling and if a tenant of the premises requests such a delay at the hearing. The decision of the person conducting the hearing shall be final and conclusive.

**Section 64.215 Water and other utility services discontinued when.**

If a hearing is not timely requested, or if a hearing has been requested and the person requesting the hearing fails to appear for it or have it continued, the city shall have the right to discontinue water service and other utility services.

If a hearing shall have been requested and conducted and the person in charge of conducting the hearing shall have determined the amount to be due thereafter, and the amount determined to be due is not paid in full within fifteen calendar days of the date of mailing of such decision, (or within thirty calendar days if a delay was authorized pursuant to Section 64.214), the city shall have the right to discontinue water service and other utility services.

**Section 64.216 Final notice of discontinuance of utility service.**

No less than seventy-two (72) hours prior to scheduled discontinuance of water service or other utility services, a final notice shall be mailed postage prepaid to those persons entitled to notice under Section 64.212, and a copy of the final notice shall be posted on the premises where service is to be discontinued. The final notice shall be in substantially the following form:

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WATER SERVICE (and other utility services) TO THE PREMISES LOCATED AT \_\_\_\_\_, SACRAMENTO, CALIFORNIA will be shut off for nonpayment of delinquent utility services charges on or after \_\_\_\_\_ 19\_\_.

FOR MORE INFORMATION, contact \_\_\_\_\_ at 449-\_\_\_\_ or go to City Hall, 915 I Street, Room \_\_\_\_\_, Sacramento, CA, between the hours of \_\_\_\_\_ a.m. and \_\_\_\_\_ p.m. Monday through Friday.

**Section 64.217 Domestic utility services not to be discontinued  
—certain circumstance.**

No domestic utility service shall be discontinued on account of a delinquent domestic utilities services bill if it is demonstrated at a hearing provided under this division that the occupant of the premises meets the qualifications set forth in Section 41.62(a)(1) through 41.62(a)(4) of this code relating to refund of the utility users tax.

**Article III. Fiscal Year**

**Section 64.300 Fiscal year.**

The fiscal year shall commence on the first day of July.

**Article IV. Claims**

**Section 64.400 Claims.**

Claims against the City of Sacramento for money or damages which are exempted by Government Code Section 905 from Chapter 1 and Chapter 2 of Part 3 of Division 3.6 of Title 1 of the Government Code of the State of California, and which are not governed by any other statutes or regulations expressly related thereof, shall be governed by this section. A claim relating to such a cause of action shall be presented not later than one year after the accrual of the cause of action. Such claims shall be presented and processed as provided by Chapters 1 and 2 of Part 3 of Division 3.6 of Title 1 of the Government Code insofar as such provisions are not in conflict with this section.

Except as otherwise provided herein, no suit for money or damages may be brought against the City of Sacramento or any officer, employee, board, commission or authority of the City of Sacramento until a written claim therefore has been presented to the city council and has been acted upon or has been deemed to have been rejected by the city council, in accordance with this section.

No suit for money or damages may be brought against the Sacramento City Employees' Retirement System or the Retirement Hearing Commission of the City

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of Sacramento for benefits claimed payable pursuant to Article XXIX of the Sacramento City Charter until a written claim therefore has been presented to the retirement system manager in accordance with this section.

Pursuant to Chapter 5 of Part 3 of Division 3.6 of Title 1 of the Government Code, written agreements entered into by or in behalf of the City of Sacramento may provide all claims arising out of or related to the agreement must be presented not later than six months after the accrual of the cause of action, and such claims shall be governed by the provisions of this section.

**Article V. Checks - Service Charge**

**Section 64.500 Checks—Service charge.**

The director of the department of finance is hereby authorized to impose a service charge pursuant to Government Code Section 6157 in an amount established by resolution of the city council upon persons whose checks are dishonored by the payee bank for any of the following reasons:

- (1) Insufficient funds.
- (2) Account closed.
- (3) Referred to maker.
- (4) Customer stop payment.

**Article VI. Amendment of City Budget**

**Section 64.600 Amendment of the City budget.**

When the budget of the City is amended during the fiscal year, it shall be amended by resolution adopted by the council.

**Article VII**

**Section 64.700 Emergency response cost recovery program.**

- (a) Liability for costs of emergency response.

Pursuant to the authority vested in the City of Sacramento by state statute, each person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, boat, vessel, or

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aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response, or whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, shall pay to said City the expense of such an emergency response. In no event shall a person's liability under this section exceed the maximum allowable under state statute.

(b) Collection of costs.

The expense of an emergency response shall be charged against the person liable for the expenses under this section. The charge constitutes a debt of that person to the City of Sacramento, and is collectible by said City in the same manner as in the case of an obligation under a contract, expressed or implied.

Any person acquitted of, or receiving a dismissal of, all criminal charges arising out of the incident which resulted in the emergency response shall not be charged for the costs of said emergency response. Any such costs paid shall be refunded, with interest at the rate of eight percent (8%) per annum.

SECTION 2

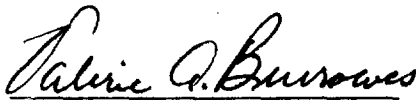
This ordinance is an emergency ordinance to take effect immediately. The ground for the emergency is the need to have revised regulations for utility billing which are consistent with the utility billing system's design and capabilities, in effect as soon as possible.

ENACTED: JUN 5 1990

EFFECTIVE: JUN 5 1990

  
MAYOR

ATTEST:

  
CITY CLERK

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