



## City of Biggs

### Agenda Item Staff Report for the Regular City Council Meeting: January 24, 2010 6:00PM

DATE: January 14, 2011  
TO: Honorable Mayor and Members of the City Council  
FROM: Pete Carr, City Administrator  
SUBJECT: Code Change to Apply Utility Charges to All Property (Discussion)

City administrator and city attorney are proposing a modification to the text of the city code to clearly provide that all properties share in the costs of maintaining utility systems, including vacant commercial buildings.

#### **Background**

The City's code clearly provides for utility base charges to be applied to "domestic" properties whether or not occupied. The same provision is not spelled out for commercial property, nor is any prohibition stated otherwise. City practice has for many years been to excuse the owners of unoccupied commercial properties from incurring utility charges where utilities are not being actively utilized.

The city council and a citizen's committee have both recently recommended the city correct this discrepancy and close the gap. To this end, the city attorney prepared a draft modification to chapter 10 of the Biggs Municipal Code.

If approved, staff could be directed to provide public notice for a public hearing in February to consider adoption of the code change. Adoption could be accomplished in March with implementation in or anytime after April.

Attachment: Draft BMC modification.

#### **Recommendation**

Direct staff.

#### **Fiscal Impact**

Increased revenue to utility funds from approximately 12 properties being charged approximately \$93 ea/mo = \$13,392 annually.

10.30.040 Procedures generally.

(1) Except as provided elsewhere in this chapter, the city administrator/city clerk shall ascertain the amount of each utility service and use charges applicable to each property in the city. All utility services are billed through the fifteenth of each month or as indicated on the bill. Utility service billings are mailed at the first of each month.

(2) Utility service bills shall be mailed to the property owner or persons listed as the owners on the last equalized assessment roll of the county, at the address shown on such assessment roll, or to the successor in interest of such owner, if the name and address of such successor in interest is known and proof of such is provided to the city's administrator.

(3) Failure of the city administrator/city clerk to mail any utility service bill shall not excuse the owner of any property from the obligation of paying any utility services and use charges for any property owned and/or occupied and any other serviced area.

(4) Utility service and usage charges are required for and imposed upon all property, regardless of occupancy, and are billed directly to the owner of said property. Electrical service bills and responsibility for such bills can be transferred to the tenant of a property if approved by the owner(s) of said property and by the city. [Ord. 318 § 4, 1998]

**Deleted:** Water, sewer, utility improvement fees and garbage services

**Deleted:** domestic