



MINUTES
CITY OF NORCO
SPECIAL MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
NORCO, CA 92860
SEPTEMBER 7, 2011

1. CALL TO ORDER: Mayor Hanna called the meeting to order at 5:05 p.m.
2. ROLL CALL:
 - Mayor Berwin Hanna, **Present**
 - Mayor Pro Tem Kevin Bash, **Present**
 - Council Member Kathy Azevedo, **Present**
 - Council Member Greg Newton, **Present**
 - Council Member Harvey C. Sullivan, **Present**

 - Staff Present:** Groves, Jacobs, Okoro and Thompson

 - City Attorney Harper – **Present**

 - David Henderson, Appellant -- **Present**
3. PUBLIC COMMENTS OR QUESTIONS: No public comments or questions received
4. CITY COUNCIL APPEAL HEARING:
 - A. Denial of Claim Requesting a Refund of Sewer Charges in the Amount of \$2,700 -- David and Shirley Henderson. **Recommended Action: That the City Council hear the evidence and arguments as presented and render a final and conclusive decision to the Appellants.**

City Attorney Harper introduced the appeal item, noting the process that would follow.

Oral arguments were heard from the City (as the respondent) and the Appellant:

Public Works Director Thompson and Deputy City Manager/Director of Finance Okoro testified and presented facts regarding the establishment and purpose of the non-connect sewer fees. Information was also provided regarding the history of the claim submitted by the Appellant. It was stated that following the administrative review of the claim submitted, the claim was sent to the City's third part risk administrator for its review, resulting in the claim being rejected because it was not filed in a timely manner and partly based on merit, meaning that the City was not liable to refund the amount requested on the claim.

City Attorney Harper confirmed that Mr. Henderson received a copy of the staff report and attachments prior to the hearing which included the related adopted ordinances and claim process included in the Norco Municipal Code.

Mr. Henderson testified and commented on the basis for his claim, contending that the charge is an "assessment" and not a "fee" and the proper Proposition 218 requirements were not followed by the City. He further presented an additional document (letter dated March 19, 2011)

which was not included in the staff report and attachments. Mr. Henderson concluded that he is requesting a refund of all sewer fees paid in the past and no fees charged in the future until he is connected to the sewer.

Closing Statements were heard from the respondent and the Appellant.

The City Council Members asked brief clarification questions before recessing to closed session with City Attorney Harper. City Attorney Harper will prepare a written decision which will be provided to the Appellants informing them of the final and conclusive decision made by the City Council.

5. ADJOURNMENT: There being no further business to come before the City Council, Mayor Hanna adjourned the special meeting at 6:34 p.m.

BRENDA K. JACOBS, CMC
CITY CLERK

/bj-79330