



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

CONSENT
June 19, 2012

Honorable Members of the Law and Legislation Committee

Title: Chapter 5.36 Revisions to Streamline the Process for issuing Certificates of Competency to Journey Level Plumbers and clarifying the duties of Board of Plumbing Examiners and the City Manager.

Location/Council District: Citywide

Recommendation: This report recommends that the Law and Legislation Committee 1) review and recommend approval of the proposed ordinance repealing Chapter 5.36 and adding Chapter 5.36 of the Sacramento City Code relating to Journey Level Plumbers and The Board of Plumbing Examiners and forward the proposed Ordinance to the City Council for consideration.

Contact: Steve Gorman, Deputy Building Official, (916) 808-8951; Elise Gumm, Administrative Analyst, (916) 808-1927

Presenters: N/A

Department: Community Development Department

Division: Building

Organization No: 21001211

Description/Analysis

Issue: In April 2010, Management Partners Inc. recommended the City Council evaluate the City's advisory board system. The City Council delegated the broad task of evaluating the City's boards and commissions to provide recommendations regarding potential elimination and consolidation of these boards and commissions. CDD Staff's evaluation found that City Code Chapter 5.36 concerning certification of journey level plumbers and the board of plumbing examiners should be modified to streamline the process of issuing the certificates of competency and to further clarify the duties of the board of plumbing examiners and the city manager. The proposed ordinance included as attachment 3 reflects these changes.

Policy Considerations: In April 2010, Management Partners Inc. recommended the City Council evaluate the City's advisory board system. The City Council delegated the broad task of evaluating the City's boards and commissions to provide recommendations regarding potential elimination and consolidation of these boards and commissions. The proposed ordinance modification will support the recommendations by evaluating the City's advisory board system and make necessary improvement.

Committee/Commission Action: The Board of Plumbing Examiners supports the proposed ordinance.

Environmental Considerations: Because this report concerns general policy and procedure making, CEQA, does not apply per section 15378 (b)(3), which states that continuing administrative or maintenance activities, which are not conducted in conjunction with a project subject to CEQA review, are not considered to be "projects" and are therefore exempt.

Sustainability Considerations: None

Rationale for Recommendation: The proposed ordinance to streamline the process of issuing the certificates of competency and to further clarify the duties of the board of plumbing examiners and the city manager is consistent with the recommendation of Management Partners, Inc. to evaluate the City's advisory board system and make improvement.

Financial Considerations: Streamlining the certification process of journey level plumbers will result in savings of staff time and resources.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: 
Steve Gorman, Deputy Building Official

Approved by: 
Max Fernandez, Director of Community Development Department

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Attachment 1- Background

In April 2010, Management Partners Inc. recommended the City Council evaluate the City's advisory board system. The City Council delegated the broad task of evaluating the City's boards and commissions to provide recommendations regarding potential elimination and consolidation of these boards and commissions. The proposed ordinance included as attachment 3 will result in improved efficiency and streamlined processes for the certification of journey level plumbers. It will also result in savings of staff time and resources. The key provisions of the proposed ordinance include but are not limited to:

- Eliminates the requirement to renew the certificates of competency for journey level plumbers;
- Changes the term of office for the board of plumbing examiners to be five years; and
- Changes frequency of Board meetings to be held at least once a year.

Attachment 2 – Original 5.36 Ordinance**Chapter 5.36 Certification of Journey-Level Plumbers****5.36.010 Intent**

This chapter is adopted to protect the health, safety and welfare of the citizens of the city. Such chapter is necessary to provide maximum standards of qualification for journey-level plumbers who perform work within the city. Plumbing work is complex and demanding and carries a high risk of harm to person and property if done improperly. This chapter does not regulate either plumbing contractors licensed under the Contractors' License Law, Section 700, et seq. of the Business and Professions Code or apprentice plumbers regulated under an apprenticeship program pursuant to Section 3070 et. seq. of the Labor Code. (Prior code § 9.24.961)

5.36.020 Definitions

"Applicant" means the person signing the application for the examination for the certificate of qualification and paying the fees therefor.

"Apprentice" means a person who is enrolled in an apprenticeship program approved by the Department of Industrial Relations of the state of California.

"Certificate of competency" means a certificate authorized by the board of plumbing examiners to be issued by the chief plumbing inspector to qualified persons not otherwise regulated by the Business and Professions Code of the state of California or the Labor Code of the state of California.

"Journey-level plumber" means a person who installs, removes, alters or repairs plumbing systems as an employee, who does not furnish materials or supplies and who is the legal possessor of a certificate of competency.

"Plumbing system" means plumbing system means and includes all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe and all building drains, including their respective joints and connections, devices, receptacles and appurtenances within the property lines of the premises and shall include potable water piping, portable water treating or using equipment, fuel gas piping, water heaters and vents for same; provided however, that for purposes of this chapter, sewer mains are specifically excluded from the definition of plumbing system. (Prior code § 9.24.976)

5.36.030 Exemptions

- A. An employee for a public utility or of any contractor performing work for a public utility operating under the authority and jurisdiction of the Public Utility Commission of the State of California (PUC), the Federal Power Commission (FPC), or the Sacramento municipal utility district (SMUD), shall be exempt from the provisions of this chapter when performing work regulated by the PUC, FPC or SMUD. This exemption is not intended to apply to work which must meet the Sacramento city plumbing code.

- B. Employees of the city, including plumbers, plumber supervisors, and building inspections staff shall be exempt from the provisions of this chapter.
- C. Employees of a school district or of a contractor performing work that is intended for a school district's educational or administrative purposes shall be exempt from the provisions of this chapter.
- D. Employees of the county, state or federal government or of contractors working for the county, state or federal government, shall be exempt from the provisions of this chapter. (Prior code § 9.24.962)

5.36.40 Certificate of competency required

- A. It is unlawful after December 1, 1986, for any person other than a contractor, apprentice or employee as specifically exempted by sections 5.36.010 and 5.36.030 of this chapter or a trainee registered pursuant to Section 5.36.170 of this chapter to labor for another for consideration at the work or trade of installing, removing, altering or repairing plumbing systems within the city unless such person shall have applied for and been granted a certificate of competency from the city of Sacramento board of plumbing examiners.
- B. It is unlawful after December 1, 1986, for any contractor to hire, employ or contract for the services of any individual to labor at the work or trade of installing, removing, altering or repairing plumbing systems within the city unless such individual shall have secured a certificate of competency from the city of Sacramento board of plumbing examiners, as a trainee registered pursuant to and working under the limitations contained in Section 5.36.170 of this chapter, or such individual is exempt from the requirements of this chapter. It shall be the obligation of the contractor hiring, employing or contracting for the services to determine whether the individual or individuals to be hired possess a valid city certificate of competency. (Prior code § 9.24.963)

5.36.050 Establishing the board of plumbing examiners

The city establishes the board of plumbing examiners. The board of plumbing examiners shall consist of five members representing two California licensed plumbing contractors, two journey-level plumbers and one public member. The chief plumbing inspector shall act as the secretary to the board of plumbing examiners. The board of plumbing examiners shall be appointed by the mayor with the approval of the Sacramento city council. The term of office for a member of the board of plumbing examiners shall be three years, except that as to the first board, one member shall be appointed for a one-year term, two members shall be appointed for a two-year term and two members shall be appointed for a three-year term. If a vacancy occurs due to death, illness, resignation or for any other reason, the city council shall appoint a replacement only for the remainder of the term. Members of the board of plumbing examiners shall not be compensated.

The board shall adopt reasonable rules for the conduct of its business. It shall select a chairman for a term of one year and shall establish procedures to be followed by the secretary of the board. Three regular members of the board shall constitute a quorum. Action taken by

the board must be approved by a majority of the members present and voting on the matter before the board. (Prior code § 9.24.964)

5.36.060 Duties of the board of plumbing examiners

- A. It shall be the duty of the board of plumbing examiners to hold regular meetings at least every ninety (90) days.
- B. It shall be the duty of the board of plumbing examiners to prepare and conduct examinations at least quarterly, and more often if the need arises, for the purpose of determining the competency and knowledge of the individuals to engage in plumbing work as set forth in this chapter. The board shall determine what constitutes “passing” the qualification examination. The examination shall test at a level which assumes sufficient knowledge of both theory and practice to enable the applicant to perform competent plumbing work. The examination shall include a written test and such other tests as the board in its discretion may determine.
- C. It shall be the duty of the board of plumbing examiners to compile and maintain a current list of individuals holding valid certificates of competency from the board of plumbing examiners.
- D. It shall be the duty of the board of plumbing examiners to carefully consider any written charges filed in the manner provided for in this chapter at its first regular meeting after the filing of such charges, provided that prescribed notice requirements can be met. If the notice requirements cannot be met, the board shall either schedule a special meeting or shall set the matter for hearing at the following regular meeting.
- E. The board of plumbing examiners shall compile and keep current a list of agencies maintaining satisfactory examination and qualification procedures. This list shall be reviewed and brought up to date at least once each year. A copy of said list shall be kept on file in the office of the chief plumbing inspector. (Prior code § 9.24.965)

5.36.070 Issuance of certificate of competency

When an applicant for a certificate of competency shall have made payment of an application fee provided for by resolution of the city council and shall have passed an examination as required by the board of plumbing examiners, or is the legal possessor of an equivalent credential, as established by the board of plumbing examiners, the board of examiners shall certify him or her to the chief plumbing inspector who shall issue to him or her a certificate of competency. (Prior code § 9.24.966)

5.36.080 Application for examination for certificate of competency

- A. Persons desiring to take the examination for a certificate of competency shall file an application with the secretary of the board of plumbing examiners. To be eligible for the examination for the certificate of competency, the applicant shall have at least four years of plumbing experience and shall attach proof of such experience to the application for examination.

- B. Special training or education acceptable to the board of plumbing examiners may be credited to a portion or all of the required experience. Such determination shall be in the discretion of the board of plumbing examiners. Such equivalency shall be determined by the board of plumbing examiners at their next scheduled regular or special meeting.
- C. An applicant enrolled in a training or apprenticeship program which provides four or more years of plumbing experience may take the examination after attaining three years, nine months of plumbing experience; provided, however, that no certificate of competency shall be issued to such applicant until the applicant has at least four years of plumbing experience. (Prior code § 9.24.967)

5.36.090 Application for reexamination

Any individual who fails to pass the examination for competency as prescribed by the board of plumbing examiners may apply for reexamination. All applications for reexamination must be accompanied by a reexamination fee to be set by resolution of the city council. Should such individual fail to pass the examination for qualification three times, the board of plumbing examiners shall refuse a fourth application until after the expiration of six months. (Prior code § 9.24.968)

5.36.100 Exemption from examination

A certificate of competency shall be issued without the necessity of an examination to any individual possessing a similar certificate from an agency maintaining, in the opinion of the board, a satisfactory examination and qualification procedure. (Prior code § 9.24.969)

5.36.110 Posting of certificate of competency

Every journey-level plumber shall carry his or her certificate with him or her at all times while doing any construction work regulated by this chapter and shall exhibit it when required to do so by the chief inspector or his or her authorized representative at any time while he or she is engaged in any activity for which a certificate of competency is required. (Prior code § 9.24.970)

5.36.120 Notification of address change to board of plumbing examiners

The holder of a certificate of competency shall notify the board of any change of address. (Prior code § 9.24.971)

5.36.130 Loaning of certificates of competency prohibited

No individual holding a certificate of competency required by this chapter shall lend such certificate to any person or allow any other person to carry on, engage in, or labor at the trade of installing, removing, altering or repairing plumbing systems on a certificate of competency not issued in their name. A violation of this section by any person holding a certificate of competency shall be grounds for revocation of such certificate. (Prior code § 9.24.972)

5.36.140 Suspension or revocation of certificate of competency

- A. Any person may file with the board of examiners written charges against the holder of a certificate of competency alleging that the holder of a certificate of competency has negligently or intentionally performed work in violation of applicable codes. Such charges shall state in detail the nature and substance of the matters charged and must be signed with the full name and correct address of the person making the charge or charges.
- B. The board shall notify the holder of the certificate of competency against whom charges have been submitted of the next regular or special meeting of the board at which the matter shall be heard. Written notice shall be mailed by first class at least fifteen (15) days before the hearing to the address provided to the board by the holder of the certificate of competency.
- C. No certificate of competency shall be suspended or revoked until the holder of the certificate of competency has had an opportunity to appear and show cause why his or her certificate should not be suspended or revoked. In showing such cause, he or she may be represented by an attorney and may present evidence.
- D. The board may either suspend or revoke a certificate of competency if the board determines that the holder of the certificate of competency has willfully, or negligently violated any of the provisions of this chapter or any ordinance, code, or regulation governing the installation, removal, alteration, or repair of plumbing systems.
- E. Should the board of plumbing examiners find that any certificate of competency has been obtained by fraud, it shall revoke such certificate.
- F. No refund of fees shall be made to any person whose certificate of competency is suspended or revoked. (Prior code § 9.24.973)

5.36.150 Appeals

Any person aggrieved by the decision of the board of plumbing examiners in granting or denying a certificate of competency, or suspending or revoking a certificate of competency, may appeal such decision to the city council. The appeal shall be made by filing a written notice of appeal with the city clerk within twenty (20) days after notice of the board's decision. The council shall hold a hearing on the appeal and its decision shall be final and conclusive. The council may appoint a hearing examiner to consider the matter pursuant to Chapter 2.48 of this code. (Prior code § 9.24.974)

5.36.160 Renewal

Certificates of competency shall be renewed every two years upon payment of a renewal fee set by resolution of the city council. (Prior code § 9.24.975)

5.36.170 Trainee certificate of registration

- A. A trainee certificate of registration shall be issued to any person who certifies that he or she desires to work as a trainee for the purpose of learning the trade of plumbing and gaining the training and experience necessary to successfully complete the examination for a certificate of competency and who pays a registration fee set by resolution of the city council. A trainee certificate of registration shall be valid for five years and may be renewed.
- B. A registered trainee may perform plumbing work within the city for which a certificate of competency otherwise would be required only under the direct supervision and in the immediate presence of a person holding a certificate of competency issued pursuant to this chapter or of a licensed plumbing contractor, and only if said trainee is the only trainee being supervised by the certificate holder or licensed contractor at the jobsite at that time. It shall be grounds for suspension or revocation of a certificate of registration for a registered trainee to knowingly work under conditions wherein the person supervising the trainee is supervising one or more other trainees at the same jobsite at the same time.
- C. It shall be grounds for suspension or revocation of a certificate of competency for the holder of a certificate to supervise more than one registered trainee at the same jobsite at the same time in the performance of plumbing work for which a certificate of competency otherwise would be required. (Prior code § 9.24.977)

Attachment 3 – Proposed 5.36 Ordinance

ORDINANCE NO. –

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE REPEALING CHAPTER 5.36 AND ADDING CHAPTER 5.36 OF THE SACRAMENTO CITY CODE RELATING TO JOURNEY LEVEL PLUMBERS AND THE BOARD OF PLUMBING EXAMINERS

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

SECTION 1

Chapter 5.36 of the Sacramento City Code is repealed.

SECTION 2

Chapter 5.36 is added to Title 5 of the Sacramento City Code to read as follows:

Chapter 5.36 Certification of Journey Level Plumbers

5.36.010 Intent

This chapter is adopted to protect the health, safety and welfare of the citizens of the city and is necessary to provide standards of qualification for journey-level plumbers who perform work within the city. Plumbing work is complex and demanding and carries a high risk of harm to persons and property if performed improperly. This chapter does not regulate either plumbing contractors licensed under the Contractors' State License Law, section 7000 et. seq. of the Business and Professions Code or apprentice plumbers regulated under an apprenticeship program pursuant to section 3070 et. seq. of the Labor Code.

5.36.020 Definitions

“Applicant” means the person signing the application for the examination for the certificate of competency or the person signing the application for a trainee certificate of registration.

“Apprentice” means a person enrolled in an apprenticeship program approved by the California Department of Industrial Relations.

“Certificate of competency” means a certificate issued by the city manager to qualified persons not otherwise regulated by the Business and Professions or Labor Code of the state of California.

“Chief building official” means the chief building official as defined by city code section 15.04.090 or designee.

“City manager” means the city manager or the city manager’s designee.

“Journey-level plumber” means a person who: installs, removes, alters or repairs plumbing systems as an employee; does not furnish materials or supplies; and holds a certificate of competency.

“Plumbing system” means and includes all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe and all building drains, including their respective joints and connections, devices, receptacles and appurtenances within the property lines of the premises. Plumbing systems shall include potable water piping, portable water treating or using equipment, fuel gas piping, water heaters and vents; provided, however, that for purposes of this chapter, sewer mains are specifically excluded from the definition of plumbing system.

“Public utility” means a municipal utility district or an investor owned utility regulated by the California Public Utilities Commission.

“Trainee certificate of registration” means a certificate issued by the city manager to any person who certifies that he or she desires to work as a trainee for the purpose of learning the trade of plumbing and gaining the training and experience necessary to successfully complete the examination for a certificate of competency and who pays a registration fee set by resolution of the city council.

5.36.030 Certificate of competency required

- A. It is unlawful for any person other than a contractor licensed by the state of California, a person specifically exempted by sections 5.36.010 or 5.36.040 of this chapter, or a trainee registered pursuant to section 5.36.080 of this chapter to install, remove, alter or repair plumbing systems within the city for compensation unless such person holds a certificate of competency issued by the city manager.
- B. It is unlawful for any contractor licensed by the state of California to hire an individual to install, remove, alter or repair plumbing systems within the city unless the individual is specifically exempted by sections 5.36.010 or 5.36.040 of this chapter or is a trainee registered pursuant to and working under the limitations contained in section 5.36.080 of this chapter. It shall be the obligation of the contractor hiring an individual to determine if the individual to be hired possesses a valid city certificate of competency or is otherwise exempt.

5.36.040 Exemptions

- A. Employees of the city or any other government agency or district performing work in the course and scope of their employment or contractors performing work for the city or any other government agency or district shall be exempt from the provisions of this chapter.

- B. Employees of a public utility performing work in the course and scope of their employment or any contractor performing work for a public utility shall be exempt from the provisions of this chapter.
- C. Journey-level plumbers who possess a valid certificate of competency or its equivalent, as determined by the city manager, or persons who possess a valid registration certificate or its equivalent, as determined by the city manager, issued by any other public agency, shall be exempt from the provisions of this chapter.

5.36.050 Application for examination for certificate of competency

- A. The city manager shall prepare and conduct examinations as needed for the purpose of determining the competency and knowledge of individuals to engage in plumbing work as set forth in this chapter. The city manager shall determine what constitutes "passing" the qualification examination. The examination shall test at a level which assumes sufficient knowledge of both theory and practice to enable the applicant to perform competent plumbing work. The examination shall include a written test and such other tests as the city manager in his or her discretion may determine.
- B. Persons desiring to take the examination for a certificate of competency shall file an application with the secretary of the board of plumbing examiners and pay any required fee. To be eligible for the examination for the certificate of competency, the applicant shall have at least four years of plumbing experience and shall attach proof of such experience to the application for examination.
- C. An applicant enrolled in a training or apprenticeship program that provides four or more years of plumbing experience may take the examination after attaining three years, nine months of plumbing experience; provided, however, that no certificate of competency shall be issued to such applicant until the applicant has at least four years of plumbing experience.

5.36.060 Issuance of certificate of competency

When an applicant for a certificate of competency has passed an examination as required by this chapter, the city manager shall issue to him or her a certificate of competency. The city manager may issue a duplicate copy of the certificate of competency upon payment of a fee established by resolution of the city council.

5.36.070 Posting of certificate of competency

Every journey-level plumber shall carry his or her certificate with him or her at all times while performing work regulated by this chapter and shall exhibit it when required to do so by the chief building official.

5.36.080 Trainee certificate of registration

- A. A trainee certificate of registration issued by the city manager shall be valid for five years and may be renewed upon payment of a renewal fee established by resolution of the city council.
- B. A registered trainee may perform plumbing work within the city for which a certificate of competency otherwise would be required only under the direct supervision and in the immediate presence of a person holding a certificate of competency issued pursuant to this chapter or in the immediate presence of a licensed plumbing contractor, and only if the trainee is the only trainee being supervised by the certificate holder or licensed plumbing contractor at the jobsite at that time. It shall be grounds for suspension or revocation of a trainee certificate of registration for a registered trainee to knowingly work under conditions wherein the person supervising the trainee is supervising one or more other trainees at the same jobsite at the same time.
- C. It shall be grounds for suspension or revocation of a certificate of competency for the holder of a certificate to supervise more than one registered trainee at the same jobsite at the same time in the performance of work on a plumbing system for which a certificate of competency otherwise would be required.

5.36.090 Establishing the board of plumbing examiners

The city establishes the board of plumbing examiners. The board of plumbing examiners shall consist of five members. At least two members shall be California licensed plumbing contractors and at least two members shall be journey-level plumbers. The chief building official shall act as the secretary to the board of plumbing examiners. The board of plumbing examiners shall be appointed by the mayor with the approval of the city council. The term of office for a member of the board of plumbing examiners shall be five years. If a vacancy occurs, the mayor with the approval of the city council shall appoint a replacement only for the remainder of the term. Members of the board of plumbing examiners shall not be compensated.

The board shall adopt reasonable rules for the conduct of its business. It shall select a chairman for a term of one year and shall establish procedures to be followed by the secretary of the board. Three members of the board shall constitute a quorum. Action taken by the board must be approved by a majority of the members present and voting on the matter before the board.

5.36.100 Powers and duties of the board of plumbing examiners

The powers and duties of the board of plumbing examiners shall be as follows:

- A. To hold at least one regular meeting in a calendar year.
- B. To review and provide recommendations on the development and implementation of the qualification examination.

- C. To compile and maintain a current list of individuals holding valid certificates of competency.
- D. To consider any written charges filed in the manner provided for in this chapter.
- E. To compile and keep current a list of agencies maintaining satisfactory examination and qualification procedures. This list shall be reviewed and brought up to date at least once each year. A copy of the list shall be kept on file in the office of the chief building official.

5.36.110 Loaning of certificates of competency prohibited

No individual holding a certificate of competency shall lend the certificate to any other person or allow any other person to install, remove, alter or repair plumbing systems under a certificate of competency not issued in their name. A violation of this section by any person holding a certificate of competency shall be grounds for revocation of the certificate.

5.36.120 Suspension or revocation of certificate of competency and trainee certificate of registration

- A. Any person may file with the board of examiners written charges against the holder of a certificate of competency or the holder of a trainee certificate of registration alleging that the holder of a certificate of competency or trainee certificate of registration has negligently or intentionally performed work in violation of applicable codes or otherwise violated the provisions in this chapter. Such charges shall state in detail the nature and substance of the matters charged and must be signed with the full name and correct address of the person making the charge or charges.
- B. The board shall notify the holder of the certificate of competency or trainee certificate of registration against whom charges have been filed of the next regular or special meeting of the board at which the matter shall be heard. Written notice shall be mailed by first class at least 15 days before the hearing to the address provided to the board by the holder of the certificate of competency or trainee certificate of registration.
- C. No certificate of competency or trainee certificate of registration shall be suspended or revoked until the holder has had an opportunity to appear and show cause why his or her certificate should not be suspended or revoked. In showing such cause, he or she may be represented by an attorney and may present evidence.
- D. The board may either suspend or revoke a certificate of competency or trainee certificate of registration if the board determines that the holder of the certificate of competency or trainee certificate of registration has willfully or negligently violated any of the provisions of this chapter or any ordinance, code, or regulation governing the installation, removal, alteration, or repair of plumbing systems.
- E. Should the board of plumbing examiners find that any certificate of competency or trainee certificate of registration has been obtained by fraud, it shall revoke such certificate.

- F. No refund of fees shall be made to any person whose certificate of competency or trainee certificate of registration is suspended or revoked.

5.36.130 Appeals.

Any applicant aggrieved by the decision of the city manager to grant or deny the issuance of a certificate of competency or trainee certificate of registration, or any holder of a certificate of competency or trainee certificate of registration aggrieved by the decision of the board of plumbing examiners to suspend or revoke a certificate of competency or trainee certificate of registration, may appeal such decision to the city council in accordance with the procedures set forth in sections 1.24.010 to 1.24.100 of this code. The appeal shall be made by filing a written notice of appeal with the city clerk within 20 days after the city manager's decision or the board of plumbing examiner's decision. The city council shall either conduct a hearing on said appeal or refer the appeal to a hearing officer who shall conduct the hearing pursuant to the provisions of Section 1.24.050 of this code.