

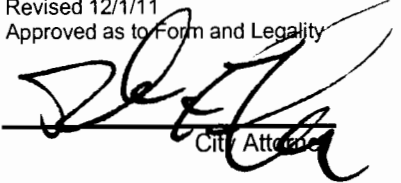
FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 DEC -7 AM 12:34

OAKLAND CITY COUNCIL

RESOLUTION NO. 83658 C.M.S.

Revised 12/1/11
Approved as to Form and Legality


City Attorney

A RESOLUTION APPROVING A REPORT FROM THE CITY ADMINISTRATOR IMPLEMENTING BUILDING SERVICES DIVISION (“BSD”) PRIORITY IMPROVEMENT ITEMS IN RESPONSE TO THE MOTION OF THE CITY COUNCIL ADOPTED AT THE SEPTEMBER 20, 2011 CITY COUNCIL MEETING, INCLUDING, NEUTRAL APPEALS PROCESS FOR CODE ENFORCEMENT APPEALS, DISCONTINUING PROSPECTIVE CODE ENFORCEMENT LIENS, REVISING CONFLICT OF INTEREST POLICY FOR OUTSIDE EMPLOYMENT FOR THE BSD, AND CONDUCTING AN FURTHER INVESTIGATION OF BSD, AND APPROVING A REQUIREMENT TO REBID CHANGE ORDERS ABOVE TEN PERCENT FOR CERTAIN BSD CONTRACTS IN EXCESS OF \$1,000 AND ADOPTING AN AMNESTY PROGRAM FOR CERTAIN BSD PENALTIES AND INTEREST

WHEREAS, the City of Oakland is committed to improving the operations and services of the Building Services Division within the Community and Economic Development Agency; and

WHEREAS, in June 2011, the Alameda County Civil Grand Jury issued a report and a series of recommendations regarding improvement priorities for the Building Services Division; and

WHEREAS, in September 2011, the City of Oakland provided a final response to the Grand Jury’s report agreeing with most of the recommendations and providing information on its improvement plan; and

WHEREAS, on September 20, 2011, the Oakland City Council issued a motion regarding priority improvement areas for the Building Services Division and requested staff to return with information, proposed recommendations and accompanying resolution; and

WHEREAS, staff has provided an accompanying staff report and proposed recommendations; now, therefore be it

RESOLVED, that the contracts for services obtained to abate blight include a provision that requires change orders not to exceed 10% for such contracts greater than \$1,000 without rebidding the contract, but with the following exemptions: the clean-up of hazardous materials and to address other health and safety needs; and be it

FURTHER RESOLVED, that the City Council accepts the report from the City Administrator accompanying this Resolution that contains the following key administrative changes in administrative procedures:

- That Building Services code enforcement appeals be conducted by non-Building Services staff;
- That the use of prospective liens will be discontinued and a policy will be established that priority liens can only be placed on properties after notification and the failure to abate have been documented;
- That the City Administrator will conduct an independent investigation of Building Services processes, including an A to Z management review;
- That the City Administrator will approve any demolition prior to its occurrence;
- That the City Administrator develops or amends existing conflict of interest requirements to address the outside employment of City code enforcement staff that may create a conflict of interest; and be it

FURTHER RESOLVED, that an amnesty program is hereby authorized to provide the opportunity for certain residential property owners who received blight abatement notices beginning in Fiscal Year 2006-2007, to then have all additional fees, penalties and interest forgiven and attendant liens removed, if such property owner abates the conditions and pays the original fees within four months after the date he or she is sent notice of this amnesty program. This program shall not apply to properties owned by lenders, banks, mortgage companies, or their affiliates, subsidiaries, or agents; and be it

FURTHER RESOLVED, that the above amnesty program be provided to property owners who have received a Notice of Default for a loan from a financial institution and can document that unpaid liens are creating financial hardships that are contributing to the potential foreclosure of property, and if such property owners abate the blighted conditions and pay the original fees, then the City shall forgive all additional fees, penalties and interest and remove attendant liens on the property. The amnesty program shall only be available to property owners who are owner occupants; and be it

FURTHER RESOLVED, that staff report back to the City Council on other code enforcement policy areas including: the prioritization of code enforcement on public safety concerns, the incorporation of applicable state law, and professional standards for inspectors;

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FURTHER RESOLVED, that the City Administrator review the applicable municipal codes to make recommendations as needed for changes in order to implement the policies set out in this resolution with review by the City Attorney as required by the City Charter.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC - 6 2011

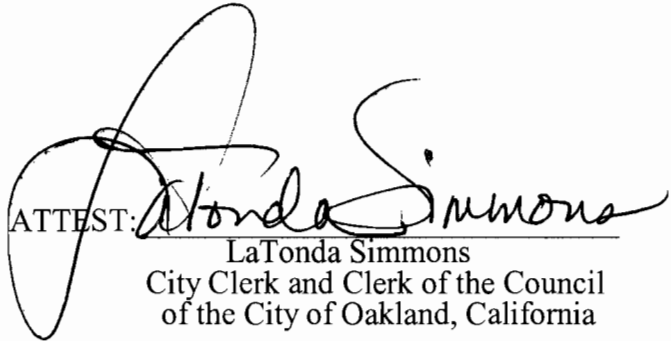
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and
PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California