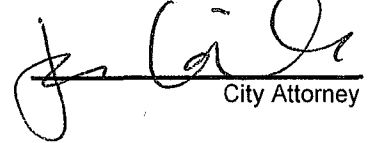


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Approved as to Form and Legality

  
City Attorney

## OAKLAND CITY COUNCIL

INTRODUCED BY COUNCIL PRESIDENT GIBSON MCELHANEY, VICE-MAYOR CAMPBELL WASHINGTON AND  
COUNCILMEMBER REID

**ORDINANCE No.**

**C.M.S.**

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**ORDINANCE AMENDING ORDINANCE NO. 13320 C.M.S. (THE 2015-16  
MASTER FEE SCHEDULE) TO INCREASE THE RENT PROGRAM  
SERVICE FEE FROM \$30 PER UNIT TO \$68 PER UNIT**

**WHEREAS**, the City of Oakland periodically amends City Council Ordinance No. 13238 C.M.S. and updates its Master Fee Schedule to account for the cost increases relating to municipal programs, services and activities; and

**WHEREAS**, in Fiscal Year (FY) 2001-2002, the City Council established the Rent Adjustment Program Service Fee (the Fee) to fund the Rent Adjustment Program (RAP); and

**WHEREAS**, City staff undertook analysis and evaluation of the revenue requirements to fund RAP's ongoing services, programs and activities and the fee structure necessary to proportionately allocate the costs of providing these government services and programs; and

**WHEREAS**, the agenda report provided by staff in support of the amendments to this Ordinance was prepared and includes proposed fees and charges, and documentation supporting the estimated and reasonable costs for continuing to provide the various government services; and

**WHEREAS**, the investigations conducted by staff reflected in the agenda report show that existing revenues are and will be insufficient to cover the current and projected costs of operating and maintaining identified City government activities, services and programs; and

**WHEREAS**, the fee modifications and additions proposed by RAP, and the facts and analysis in support thereof, are identified in the agenda report; and

**WHEREAS**, the agenda report shows that revenues derived from the proposed fees and charges will not exceed the funds required to provide the related government activities, services and programs of the program; and

**WHEREAS**, the agenda report shows that the amounts of the proposed fees and charges will not exceed the proportional cost of service provided or benefit attributable to each fee payer; and

**WHEREAS**, the Agenda Report shows that the proposed fees and charges for a product, benefit or service are imposed for a specific government service, benefit or product provided directly to the payer that is not provided to those not charged and does not exceed the reasonable costs to the City of providing the service, benefit or product; and

**WHEREAS**, the City Council finds that based on the significant increase in petitions there is good cause for raising the Rent Program service fee from \$30 to \$68 per unit, thereby enabling RAP to meet its responsibilities; and

**WHEREAS**, the City Council finds that the staffing levels proposed for RAP are justified and necessary for the program to function in an efficient and responsive manner; and

**WHEREAS**, this action is exempt under the California Environmental Quality Act (“CEQA”) pursuant to, but not limited to the following CEQA Guidelines: §15378 (regulatory actions), § 15061(b)(3) (no significant environmental impact), and §15183 (actions consistent with the general plan and zoning); and

**WHEREAS**, based upon all written and oral reports and presentations to Council, including the agenda report and each of the Attachments thereto, the City Council finds and determines that the proposed modifications and additions the Rent Program (RAP) fee set forth herein are necessary to reimburse the City for the costs of performing the various municipal and regulatory functions, and that this fee does not exceed the proportional cost of the service or benefit attributable to the fee payer; and

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1:** The City Council finds and determines that the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City Council.

**Section 2:** The Master Fee Schedule Housing & Community Development: Residential Rent Adjustment Section at (B), as set forth in ordinance number 13228 C.M.S. as amended, is hereby amended as follows to increase the Rent Program Service Fee from \$30 to \$68 per unit (additions are shown as double underline and deletions are shown as ~~strike through~~):

	<b>CURRENT FEE (FY 2015-2016)</b>	<b>PROPOSED FEE (FY 2016-2017)</b>
<b>RESIDENTIAL RENT ADJUSTMENT</b>		
<b>B. RENT PROGRAM SERVICE FEE</b>		
1. Annual Service Fee per Unit (Fees are due January 1 and delinquent March 1.	<del>30.00</del> Unit	<u>68.00</u> Unit
2. If paid within 30 days late, add 10% late fee. In addition add simple interest of 1% of the balance owed (Fee + late charges per month or fraction of a month late	<del>30.00</del> + 10% Unit	<u>68.00</u> +10% Unit
3. If paid within 60 days late, add 25%.	<del>30.00</del> + 25% Unit	<u>68.00</u> +25% Unit
4. If paid after 60 days late, add 50%.	<del>30.00</del> + 50% Unit	<u>68.00</u> +50% Unit

**Section 3:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**Section 4:** This Ordinance takes effect seven (7) days after final adoption, unless it has been passed with at least six (6) votes, in which case it takes effect immediately upon adoption. The amended Fee amount will apply to those fees first due on January 1, 2017 and thereafter.

**Section 5:** This action is exempt under the California Environmental Quality Act (“CEQA”) pursuant to, but not limited to the following CEQA Guidelines: §15378 (regulatory actions), § 15061(b)(3) (no significant environmental impact), and §15183 (actions consistent with the general plan).

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2016

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND  
PRESIDENT GIBSON McELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

## **NOTICE AND DIGEST**

### **ORDINANCE AMENDING ORDINANCE NO. 13320 C.M.S. (THE 2015-16 MASTER FEE SCHEDULE) TO INCREASE THE RENT PROGRAM SERVICE FEE FROM \$30 PER UNIT TO \$68 PER UNIT**

The Ordinance amends the City of Oakland Master Fee Schedule to increase the Rent Program Service Fee from \$30 per unit to \$68 per unit.