

CITY OF OAKLAND
Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2003 DEC -4 PM 6:11

TO: Office of City Manager
ATTENTION: Deborah Edgerly, Interim City Manager
FROM: Finance and Management Agency
DATE: December 16, 2003

SUBJECT: Public Hearing on Delinquent Mandatory Garbage Fees for
July - September 2003, quarterly accounts and
April - June 2003, monthly accounts

SUMMARY

On November 20, 2003, pursuant to Chapter 8.28, of the Oakland Municipal Code, an administrative hearing was held to hear protests and resolve any inconsistencies or inequities prior to the public hearing before the City Council. Each affected property owner was notified of the administrative hearing. Accordingly, seven cases were resolved and removed from the list of delinquent properties. A resolution has been prepared confirming the placement of liens on 6,299 accounts and authorizing the subsequent assessment for all fees and charges, should they remain unpaid at the time of submission to the County Assessor.

FISCAL IMPACT

Waste Management of Alameda County has billed the City \$1,282,672.49 which represents quarterly charges for July through September 2003 and monthly charges for April through June 2003. The bill becomes payable after the public hearing is held. Property owners owe the City delinquent garbage charges and administrative fees totaling \$1,654,301.57 for this period. The City will transfer these charges to the Alameda County Tax Rolls to avoid a \$1,282,672.49 charge to the General Fund.

BACKGROUND

The public hearing represents quarterly billings for July through September 2003 and monthly billings for April through June 2003.

KEY ISSUES AND IMPACTS

There are no key issues or impacts.

Item: **14.2**
Council Meeting
December 16, 2003

POLICY DESCRIPTION

Pursuant to Chapter 8.28 of the Oakland Municipal Code, administrative hearings were held to hear protests and resolve any inconsistencies or inequities regarding the delinquent mandatory garbage fees prior to the public hearing before the City Council.

ENVIRONMENTAL OPPORTUNITIES (SUSTAINABLE OPPORTUNITIES)

None.

DISABILITY AND SENIOR CITIZEN ACCESS

None.

RECOMMENDATION AND RATIONALE

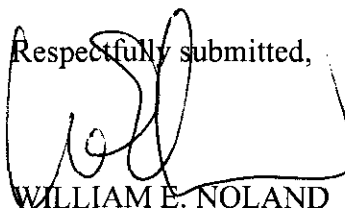
Staff recommends that the City Council approve the resolution confirming the placement of liens on all unpaid accounts and authorize the subsequent assessments for all fees and charges should they remain unpaid as of August 10, 2004

ALTERNATIVE RECOMMENDATIONS

There are no alternative recommendations.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council approve the resolution confirming the placement of liens on all unpaid accounts and authorize the subsequent assessments for all fees and charges should they remain unpaid as of August 10, 2004.

Respectfully submitted,


WILLIAM E. NOLAND
Interim Director
Finance and Management Agency

Prepared by: Debra Taylor Johnson
Revenue Manager

Item: **14.2**
Council Meeting
December 16, 2003

APPROVED FOR FORWARDING
TO THE CITY COUNCIL



OFFICE OF THE CITY MANAGER

Item: **14.2**
Council Meeting
December 16, 2003

Michelle Smith

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
C. M. SAND

RESOLUTION NO. _____

2003 DEC 4 PM 6:11

RESOLUTION ACCEPTING AND CONFIRMING REPORTS OF THE CITY MANAGER ON THE COSTS INCURRED BY THE CITY OF OAKLAND FOR DELINQUENT GARBAGE SERVICE FEES AND CONFIRMING THE RECORDATION OF LIENS, ADMINISTRATIVE CHARGES, AND ASSESSMENT CHARGES AS NECESSARY - PURSUANT TO CHAPTER 8.28, OF THE OAKLAND MUNICIPAL CODE, AND DIRECTING THE NOTICE OF LIEN AND ASSESSMENT CHARGES TO BE TURNED OVER TO THE COUNTY TAX COLLECTOR FOR COLLECTION

-oOo-

WHEREAS, pursuant to Chapter 8.28, of the Oakland Municipal Code, the City Manager filed with the City Clerk on the 16th day of December 2003 her reports concerning the costs incurred for delinquent garbage service fees and recordation of liens with added administrative charges and assessment charge on thereafter described real property; and

WHEREAS, December 16, 2003 at the hour of 7:01 p.m., was fixed as the day and hour for the Council to hear and pass said reports, together with any objections or protests which may be raised by any of the property owners liable to be assessed for costs incurred for delinquent garbage service fees, and any other interested persons; and

WHEREAS, no protest having been made at said hearing; now, therefore, be it

RESOLVED: That the reports which the City Manager filed with the City Clerk on the 16th of December 2003 concerning delinquent garbage service fees, the recordation of liens with administrative charges for the real property described hereinafter in the report of the City Manager attached hereto, be and the same is hereby accepted and confirmed, and assessments are hereby authorized to be levied upon the hereinafter described properties in the amount set opposite each description for costs incurred for delinquent garbage service fees, added administrative charges and assessment charges; and be it

FURTHER RESOLVED: That if said assessment therein levied is not paid before the 10th day of August 2004, the City Manager shall present an itemized report to the Auditor Controller of the County of Alameda, State of California, to be placed on the 2004-2005 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, BROOKS, CHANG, DE LA FUENTE, NADEL, QUAN, REID, WAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of, Oakland

14.2-1
ORA/COUNCIL
DEC 16 2003

Michelle Smith

OAKLAND CITY COUNCIL

RESOLUTION NO. _____

FILED
OFFICE OF THE CITY CLERK
C. M. S. OAKLAND

2003 DEC -4 PM 6:11

RESOLUTION OVERRULING PROTESTS AND OBJECTIONS AND ACCEPTING AND CONFIRMING REPORTS OF THE CITY MANAGER ON THE COST INCURRED BY THE CITY OF OAKLAND FOR DELINQUENT GARBAGE SERVICE FEES AND AUTHORIZING THE RECORDATION OF LIENS, ADMINISTRATIVE CHARGES AS NECESSARY - PURSUANT TO CHAPTER 8.28, OF THE OAKLAND MUNICIPAL CODE, AND DIRECTING THE NOTICE OF LIEN AND ASSESSMENT CHARGES TO BE TURNED OVER TO THE COUNTY TAX COLLECTOR FOR COLLECTION

-oOo-

WHEREAS, pursuant to Chapter 8.28, of the Oakland Municipal Code, the City Manager filed with the City Clerk on the 16th day of December 2003, her reports concerning the costs incurred for delinquent garbage service and recordation of liens with added administrative charges and assessment charges on the thereafter described real property; and

WHEREAS, December 16, 2003, at the hour of 7:01 p.m. was fixed as the day and hour for the Council to hear and pass upon said reports, together with any objections or protests which may be raised by any of the property owners liable to be assessed for costs incurred for delinquent garbage service fees, and any other interested person; now therefore be it

RESOLVED: That the protests are hereby overruled; and be it

FURTHER RESOLVED: That the reports which the City Manager filed with the City Clerk on the 16th day of December 2003, concerning delinquent garbage service fees, and the recordation of liens with administrative charges for the real property described therein be and are hereby accepted and confirmed, and the assessments are hereby authorized to be levied upon the properties described in said City Manager report, in the amounts set opposite each description for costs incurred for delinquent garbage service fees, added administrative charges, and assessment charges; and be it

FURTHER RESOLVED: That if said assessment herein levied is not paid before the 10th day of August 2004, the City Manager shall present an itemized report to the Auditor-Controller of the County of Alameda, State of California, to be placed on the 2004-2005 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, BROOKS, CHANG, DE LA FUENTE, NADEL, QUAN, REID, WAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of, Oakland

14.2-2
UR/COUNCIL
DEC 16 2003

M. S. S. S.

OAKLAND CITY COUNCIL

RESOLUTION NO. _____

FILED
OFFICE OF THE CITY CLERK
C. M. S. OAKLAND

2003 DEC -4 PM 6:11

RESOLUTION CONTINUING HEARING ON REPORTS OF THE CITY MANAGER ON THE DELINQUENT GARBAGE SERVICES FEES AND CONFIRMING OF THE RECORDATION OF LIENS, ADMINISTRATIVE CHARGES, AND ASSESSMENT CHARGES AS NECESSARY - PURSUANT TO CHAPTER 8.28, OF THE OAKLAND MUNICIPAL CODE, AND DIRECTING THE NOTICE OF LIEN AND ASSESSMENT CHARGES TO BE TURNED OVER TO THE ALAMEDA COUNTY TAX COLLECTOR FOR COLLECTIONS

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RESOLVED: That the hearing of the reports of the City Manager on the delinquent garbage fees and recordation of the liens with added administrative charges which was duly noticed and held on the 16th day of December 2003, at the hour 7:01 p.m., is hereby continued for further hearing on the day of _____ in the City Hall, One City Hall Plaza, Council Chambers, Oakland, California.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003 _____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, BROOKS, CHANG, DE LA FUENTE, NADEL, QUAN, REID, WAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of, Oakland

14.2-3
ORA/COUNCIL
DEC 16 2003