

**CITY OF OAKLAND
AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 MAR -5 PM 4:38

TO: Office of the City Administrator
ATTENTION: Dan Lindheim
FROM: Finance and Management Agency
DATE: March 17, 2009

SUBJECT: **Public Hearing on Delinquent Mandatory Garbage Fees for
July/August/September 2008, Monthly Accounts and
October/November/December 2008, Quarterly Accounts**

SUMMARY

The City of Oakland and Waste Management of Alameda County have a franchise agreement for solid waste, yard waste collection and disposal services. In accordance with the terms of this agreement, all delinquent garbage accounts are transferred to the Citywide Liens Tax Compliance Section for recording of liens against the property address. The City of Oakland reimburses Waste Management of Alameda County the unpaid delinquent charges and pursues the delinquent property owner to recover the unpaid charges plus administrative fees. The taxpayer is notified prior to the lien process and given the opportunity to pay or appeal the debt. If the property owner does not dispute or pay prior to August 10th of any calendar year, the Citywide Liens Tax Compliance Section will forward delinquent accounts to the County of Alameda for placement on the secured property Tax Roll for collection.

On February 10, 2009, 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 this public hearing before the City Council. Each affected property owner was notified of the administrative hearing. Accordingly, 36 cases were resolved and removed from the list of delinquent properties. A resolution has been prepared confirming the placement of liens on 9304 accounts (a list of delinquent accounts is available for review in the Office of the City Clerk, 1st floor City Hall) 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 billed the City \$1,276,203 which represents monthly charges for July through September 2008, and quarterly charges for October through December 2008. The bill is due and payable after the public hearing proceedings. Property owners owe the City delinquent garbage charges totaling \$1,276,203 and administrative fees totaling \$472,065 creating a grand total of \$1,748,268 for this period. The City will transfer all unpaid charges and fees to the Alameda County Tax Roll, and payments received through the County will be deposited in the City's General Purpose Fund.

Item:
Council Meeting
March 17, 2009

fees to the Alameda County Tax Roll, and payments received through the County will be deposited in the City's General Purpose Fund.

BACKGROUND

The public hearing represents monthly charges for July through September 2008, and quarterly charges for October through December 2008.

KEY ISSUES AND IMPACTS

There are no key issues and impacts.

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 City Council.

SUSTAINABLE OPPORTUNITIES

Collections of delinquent Mandatory Garbage Fees have major economic and social equity implications for the City's sustainability. This revenue source is relied upon to fund essential City services.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no impacts on disability and senior citizen access.

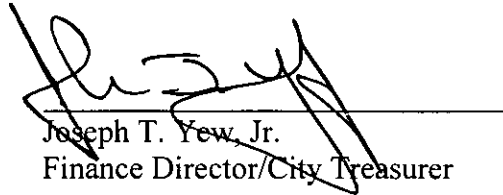
RECOMMENDATION AND RATIONALE

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, 2009.

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, 2009.

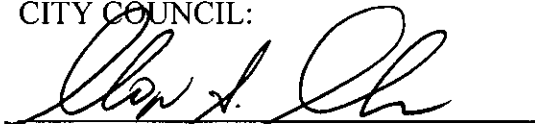
Respectfully submitted,



Joseph T. Yew, Jr.
Finance Director/City Treasurer

Prepared by:
Terry Adelman, Revenue Manager
Revenue Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the City Administrator

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 MAR -5 PM 4:38

Approved as to Form and Legality

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

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

WHEREAS, pursuant to Chapter 8.28 of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 17th day of March 2009, the reports concerning the costs incurred by the City of Oakland for delinquent garbage service fees and recordation of liens with added administrative and assessment charges on hereinafter described real property; and

WHEREAS, March 17, 2009, 7:00 p.m., was fixed as the day and hour for the Council to hear any protests by property owners or other interested persons regarding delinquent charges for garbage services rendered, and to hear and accept the reports of the City Administrator; and

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

RESOLVED: That the reports which the City Administrator filed with the City Clerk on the 17th day of March 2009, concerning delinquent garbage service fees, the recordation of liens with administrative and assessment charges for the real property described in the reports of the City Administrator attached hereto, be and are hereby accepted and confirmed, and assessments are hereby authorized to be levied upon the properties described in the attached reports in the amount set opposite each description for costs incurred for delinquent garbage service fees, added administrative and assessment charges; and be it

FURTHER RESOLVED: That if any assessment levied on a property is not paid before the 10th day of August 2009, the City Administrator shall present an itemized report to the Auditor-Controller of the County of Alameda, State of California, to be placed on the 2009-20010 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

J. [Signature]
City Attorney

RESOLUTION No. _____ C.M.S.
Introduced by Councilmember _____
2009 MAR -5 PM 4:38

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

WHEREAS, pursuant to Chapter 8.28 of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 17th day of March 2009, the reports concerning the costs incurred for delinquent garbage service fees and recordation of liens with added administrative and assessment charges on hereinafter described real property; and

WHEREAS, March, 17, 2009 7:00 p.m., was fixed as the day and hour for the Council to hear any protests by property owners or other interested persons regarding delinquent charges for garbage services rendered, and to hear and accept the reports of the City Administrator; now, therefore be it

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

FURTHER RESOLVED: That the reports the City Administrator filed with the City Clerk on the 17th day of March 2009, concerning delinquent garbage service fees and the recordation of liens with administrative and assessment charges for the real property described in the reports of the City Administrator attached hereto, be and are hereby accepted and confirmed, and the assessments are hereby authorized to be levied upon the properties described in the attached reports, in the amounts set opposite each description for costs incurred for delinquent garbage service fees, added administrative and assessment charges; and be it

FURTHER RESOLVED: That if any assessment levied on a property is not paid before the 10th day of August 2009, the City Administrator shall present an itemized report to the Auditor-Controller of the County of Alameda, State of California, to be placed on the 2009-2010 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

[Signature]
City Attorney

2009 MAR -5 PM 4:58 RESOLUTION No. _____ C.M.S.
Introduced by Councilmember _____

RESOLUTION CONTINUING HEARING OF THE REPORTS OF THE CITY ADMINISTRATOR ON DELINQUENT GARBAGE SERVICE FEES AND THE RECORDATION OF LIENS WITH ADMINISTRATIVE AND ASSESSMENT CHARGES AS NECESSARY—PURSUANT TO CHAPTER 8.28 OF THE OAKLAND MUNICIPAL CODE

RESOLVED: That the hearing of the reports of the City Administrator on delinquent garbage service fees and recordation of liens with added administrative and assessment charges that was duly noticed and held on the 17th day of March 2009, 7:00 p.m., is hereby continued for further hearing on the day of _____ in City Hall, One Frank H. Ogawa Plaza, Council Chambers, Oakland, California.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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