



AGENDA REPORT

TO: DEANNA J. SANTANA,
City Administrator

FROM: Joseph T. Yew, Jr.

SUBJECT: Delinquent Garbage Fees

DATE: March 20, 2012

City Administrator
Approval

Date

3/05/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council adopt the 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.

EXECUTIVE 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.

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OUTCOME

Accordingly, 18 cases were resolved and removed from the list of delinquent properties. A resolution has been prepared confirming the placement of liens on 8,552 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.

BACKGROUND/LEGISLATIVE HISTORY

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.

ANALYSIS

Waste Management of Alameda County billed the City \$1,134,439 which represents monthly charges for July through September 2011, and quarterly charges for October through December 2011. The bill is due and payable after the public hearing proceedings. Property owners owe the City delinquent garbage charges totaling \$1,134,439 and administrative fees totaling \$601,146 creating a grand total of \$1,735,585 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 Mandatory Garbage Fund (1700).

PUBLIC OUTREACH/INTEREST

On, February 7, 2012, 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.

COORDINATION

In coordination with the Office of the City Attorney, the agenda report, resolutions, and support items attached to this form have been reviewed and/or approved for form and legality.

In coordination with the Budget Office, the agenda report, resolutions, and support items attached to this form have been reviewed for Fiscal Impact(s) and / or Funding Codes.

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COST SUMMARY/IMPLICATIONS

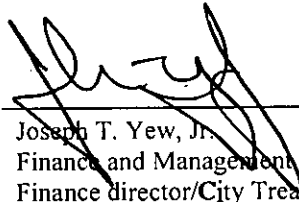
Waste Management of Alameda County billed the City \$1,134,439 which represents monthly charges for July through September 2011, and quarterly charges for October through December 2011. The bill is due and payable after the public hearing proceedings. Property owners owe the City delinquent garbage charges totaling \$1,134,439 and administrative fees totaling \$601,146 creating a grand total of \$1,735,585 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 Mandatory Garbage Fund (1700).

CEQA

This report is not a project under CEQA.

For questions regarding this report, please contact David McPherson, Revenue and Tax Administrator at (510) 238-6650.

Respectfully submitted,



Joseph T. Yew, Jr.
Finance and Management Agency
Finance director/City Treasurer

Prepared by:
David McPherson, Revenue & Tax Administrator
Revenue Division

Item: _____
City Council
March 20, 2012

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Kathleen Salvo-Bosch
City Attorney

RESOLUTION No. _____ C.M.S.
2012 MAR -8 PM 1:00
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 8th day of March 2012 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 20, 2012, 6:30 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 were made at said hearing; now, therefore be it

RESOLVED: That the reports which the City Administrator filed with the City Clerk on the 8th day of March 2012 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 2012, 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 2012-2013 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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

OAKLAND CITY COUNCIL

Katherine Helen Boyd
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION No. _____ C.M.S.

2012 MAR -8 PM 1:00

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 20th day of March 2012, 6:30 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, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID

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

Ketaren Helen-Boyd
City Attorney

RESOLUTION No. _____ C.M.S.
2012 MAR -8 PM 1:00
Introduced by Councilmember _____

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 8th day of March 2012 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 20, 2012, 6:30 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 8th day of March 2012 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 2012, 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 2012-2013 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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