

*Michelle S. ...*  
CITY ATTORNEY

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2003 NOV 25 PM 5:22

**ORDINANCE NO. 12568 C.M.S.**

(WITH ATTACHMENT A)

**AN ORDINANCE AMENDING ORDINANCE NUMBER 9336 C.M.S. (MASTER FEE SCHEDULE), AS AMENDED, TO INCREASE THE FEE COLLECTED ON DELINQUENT ACCOUNTS; TO INCREASE THE FEE IMPOSED FOR THE DELIVERY OF INFORMATION RELATING TO BUSINESS TAX CERTIFICATES; TO ADD A FEE FOR THE ADMINISTRATION OF PROMISSORY NOTES; TO ADD A FEE FOR THE RECORDATION OF A RELEASE OF LIEN; AND TO INCLUDE IN THE MASTER FEE SCHEDULE THE FEES IMPOSED FOR ADMINISTRATIVE SERVICE CHARGES RELATING TO BUSINESS TAX LIENS AND REAL ESTATE TRANSFER TAX LIENS AND CODIFY THE BUSINESS TAX CERTIFICATE REPLACEMENT FEE IN THE MASTER FEE SCHEDULE**

**WHEREAS**, the City of Oakland (the "City") periodically updates its Master Fee Schedule to account for general cost of living increases and program changes or other costs; and

**WHEREAS**, the City currently levies a collection fee on delinquent accounts in the amount of \$100 or 10% of the amount due, whichever is less; and

**WHEREAS**, the amount imposed by the City is insufficient to support the costs incurred by the City for the actual collection process; and

**WHEREAS**, the City proposes to increase the fee imposed on the collection of delinquent accounts to the amount of \$100 or 10% of the amount due, whichever is greater, in order to enable the City to recover its costs; and

**WHEREAS**, the City is frequently requested to provide public information relating to business tax accounts in formats which differ from the formats the City uses to maintain such public information; and

**WHEREAS**, City staff spend a great deal of time writing and running computer programs in order to respond to such requests; and

**WHEREAS**, the City currently levies a fee in the amount of \$10.70 to subsidize the costs to the City of staff time incurred in responding to such requests; and

**WHEREAS**, the amount charged by the City is insufficient to support the costs incurred by the City; and

**WHEREAS**, the City proposes to increase the fee imposed on the delivery of information in formats which differ from the formats the City uses to maintain such public information to enable the City to recover its costs; and

**WHEREAS**, the City does not impose a separate fee for the administration of promissory notes; and

**WHEREAS**, there has been a steady increase in the number of promissory notes administered by the City, and the costs of administering the promissory notes has risen accordingly; and

**WHEREAS**, the City proposes imposing a new "Administrative Fee for Promissory Notes" to enable the City to offset the cost of administration of such activity; and

**WHEREAS**, the City does not currently impose a fee for the recordation of a release of lien; and

**WHEREAS**, the County of Alameda currently charges \$11.00 to record a release of lien; and

**WHEREAS**, in order to expedite the recordation of a release of lien; the City proposes imposing a new fee in an amount equal to the amount charged by the Alameda County Recorder's Office to cover the costs of recordation charged by the County of Alameda; and

**WHEREAS**, pursuant to Sections 4.020.070 and 5.04.260 of the Oakland Municipal Code, the City is authorized to impose a \$50.00 administrative service charge for the collection of delinquent Business Taxes and Real Estate Transfer Taxes by special tax roll assessment; and

**WHEREAS**, pursuant to Section 5.04.180 of the Oakland Municipal Code, the City is authorized to impose a \$25.00 administrative service charge for the issuance of a duplicate business tax certificate to replace a certificate that has been lost or destroyed; and

**WHEREAS**, the administrative service charges for the collection of such delinquent taxes and for the issuance of a duplicate business tax certificate are currently not included in the Master Fee Schedule; and

**WHEREAS**, in order to ensure that the public has knowledge of all City imposed fees, the City proposes including the administrative service charges for the collection of delinquent taxes and the issuance of a duplicate business tax certificate in the Master Fee Schedule; and

**WHEREAS**, the proposed changes to the Master Fee Schedule will enable the City to recover a greater portion of its costs in the future; and

**WHEREAS**, the City Council finds and determines that the herein-referenced modifications and additions are reasonable and necessary;

**NOW THEREFORE**, the Council of the City of Oakland does hereby ordain as follow:

Section 1. The Master Fee Schedule as set forth in Ordinance Number 9336 C.M.S., as amended, is hereby amended to:

- (a) increase the fee imposed on the collection of delinquent accounts to the amount of \$100 or 10% of the amount due, whichever is greater; and
- (b) increase the fee imposed on the delivery of information in formats which differ from the formats the City uses to maintain such public information, to staff's hourly rate, plus the cost of material; and
- (c) impose an "Administrative Fee for Promissory Notes" to enable the City to offset the cost of administration of such activity; and
- (d) impose a fee in an amount equal to the amount charged by the Alameda County Recorder's Office to cover the costs of recordation of release of liens;
- (e) include the administrative service charges for the collection delinquent Business Taxes and Real Estate Transfer Taxes by special tax roll assessment; and
- (f) include the administrative service charge for the issuance of a duplicate business tax certificate.

as set forth in Attachment A, attached hereto and made a part hereof.

Section 2. This ordinance shall be effective upon approval by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN - 6 2004, ~~2004~~

**PASSED BY THE FOLLOWING VOTE:**

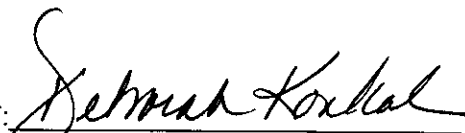
AYES – BROOKS, BRUNNER, CHANG, NADEL, QUAN, ~~REID~~, WAN and PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

EXCUSED - REID - 1

ATTEST:   
~~JO~~ CEDA FLOYD  
 City Clerk and Clerk of the Council  
 of the City of Oakland, California

**Introduction Date:** DEC 16 2003

**ATTACHMENT A  
AMENDMENT TO MASTER FEE SCHEDULE**

<b>COLLECTION FEE ON DELINQUENT ACCOUNTS</b>	Greater of: 10.0% of amount due or \$100.00
<b>INFORMATION RELATING TO BUSINESS TAX CERTIFICATES</b>	Per report charge of: \$75 per hour, or fraction thereof, plus cost of material
<b>ADMINISTRATIVE SERVICE CHARGE AS ALLOWED BY OAKLAND MUNICIPAL CODE SECTION 4.20.070</b>	\$50.00 per Lien
<b>ADMINISTRATIVE SERVICE CHARGE AS ALLOWED BY OAKLAND MUNICIPAL CODE SECTION 5.04.180</b>	\$25.00 per duplicate certificate
<b>ADMINISTRATIVE SERVICE CHARGE AS ALLOWED BY OAKLAND MUNICIPAL CODE SECTION 5.04.260</b>	\$50.00 per Lien
<b>ADMINISTRATIVE FEE FOR PROMISSORY NOTES</b>	\$100.00 per Note

*Michelle Sexton*

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND  
2003 NOV 25 PM 5:22

# NOTICE AND DIGEST

**AN ORDINANCE AMENDING ORDINANCE NO. 9336 C.M.S. (MASTER FEE SCHEDULE) AS AMENDED TO INCREASE THE FEES IMPOSED ON THE COLLECTION OF DELINQUENT BUSINESS TAX ACCOUNTS AND THE DELIVERY OF INFORMATION RELATING TO BUSINESS TAX CERTIFICATES; TO IMPOSE FEES TO COVER THE COSTS OF RECORDATION OF RELEASE OF LIENS AND THE ADMINISTRATION OF PROMISSORY NOTES; AND TO INCLUDE THE ADMINISTRATIVE SERVICE CHARGES FOR THE COLLECTION DELINQUENT BUSINESS TAXES AND REAL ESTATE TRANSFER TAXES.**

This is an ordinance amending Ordinance No. 9336 C.M.S. (Master Fee Schedule), as amended, to

1. increase the fees imposed on the collection of delinquent business tax accounts; and
2. increase the fee imposed on the delivery of information in formats which differ from the formats the City uses to maintain such public information; and
3. impose a fee to cover the costs of recordation of release of liens; and
4. impose a fee to cover the costs of administering promissory notes; and
5. include administrative service charges for the collection delinquent business taxes and real estate transfer taxes.

**AN ORDINANCE AMENDING ORDINANCE NO. 9336 C.M.S. (MASTER FEE SCHEDULE) AS AMENDED TO INCREASE THE FEES IMPOSED ON THE COLLECTION OF DELINQUENT BUSINESS TAX ACCOUNTS AND THE DELIVERY OF INFORMATION RELATING TO BUSINESS TAX CERTIFICATES; TO IMPOSE FEES TO COVER THE COSTS OF RECORDATION OF RELEASE OF LIENS AND THE ADMINISTRATION OF PROMISSORY NOTES; AND TO INCLUDE THE ADMINISTRATIVE SERVICE CHARGES FOR THE COLLECTION DELINQUENT BUSINESS TAXES AND REAL ESTATE TRANSFER TAXES.**

**NOTICE AND DIGEST**

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5. include administrative service charges for the collection delinquent business taxes and real estate transfer taxes.

**Notice of Publication**

This Ordinance was introduced at the City Council meeting, Tuesday evening December 16, 2003, and passed to print & Ayes. Hearing on final action has been scheduled for the City Council meeting Tuesday evening January 13, 2004, 8:00 p.m., at One Frank L. Ogawa Plaza, Council Chambers, on the third floor in Oakland, California.

Three full copies are available for use and distribution by the presiding Officer of the City Clerk at One Frank L. Ogawa Plaza, 1st floor, Oakland, California.

**CEDA FLOYD, City Clerk**

The Oakland Tribune, #316819  
January 2, 2004

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800) 595-9595 opt.4

CITY OF OAKLAND  
1 FRANK OGAWA PLAZA, 2ND FLOOR (CITY  
HALL),ATTN: DENISE VEJMOLA  
OAKLAND CA 94612

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### NOTICE AND DIGEST

The Oakland Tribune

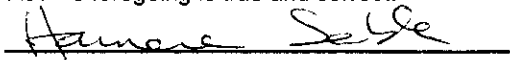
I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Oakland Tribune, a newspaper published in the English language in the City of Oakland, County of Alameda, State of California.

I declare that The Oakland Tribune is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated December 6, 1951, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Oakland Tribune as a Newspaper of General Circulation, Case Number 237798. Said order states that "The Oakland Tribune is a newspaper of general circulation within the City of Oakland, and the County of Alameda, and the State of California, within the meaning and intent of Chapter 1, Division 7, Title 1 [ §§ 6000 et seq. ], of the Government Code of the State of California. "Said order has not been revoked, vacated, or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

1/3/04

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

Legal No. 0000316819

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FEE SCHEDULE) AS AMENDED TO  
INCREASE THE FEES IMPOSED  
ON THE COLLECTION OF DELINQUENT  
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TO COVER THE COSTS OF  
RECORDATION OF RELEASE OF LIENS  
AND THE ADMINISTRATION  
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INCLUDE THE ADMINISTRATIVE  
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COLLECTION DELINQUENT  
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Three full copies are available for use and examination by the public in the Office of the City Clerk at One Frank H. Ogawa Plaza, 1st floor, Oakland, California.

CEDA FLOYD, City Clerk

The Oakland Tribune, #316819  
January 3, 2004

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