

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 MAR 23 PM 3:43

TO: Office of the City Administrator
ATTENTION: Deborah A. Edgerly, City Administrator
FROM: Finance and Management Agency
DATE: April 5, 2005

SUBJECT: **Public Hearing on Delinquent Mandatory Garbage Fees for
Jul/Aug/Sept 2004, Monthly Accounts and
Oct/Nov/Dec 2004, Quarterly Accounts**

SUMMARY

On February 22, 2005, 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, nine cases were resolved and removed from the list of delinquent properties. A resolution has been prepared confirming the placement of liens on 6,669 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 \$1,420,540 which represents monthly charges for July through September 2004 and quarterly charges for October through December 2004. The bill becomes payable after the public hearing is held. Property owners owe the City delinquent garbage charges and administrative fees totaling \$1,819,787 for this period. The City will transfer these charges to the Alameda County Tax Rolls to avoid a \$1,420,540 charge to the General Fund.

BACKGROUND

The public hearing represents monthly billings for July through September 2004 and quarterly billings for October through December 2004.

KEY ISSUES AND IMPACTS

None

Item:
City Council
April 5, 2005

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.

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.*

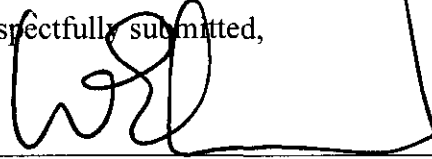
ALTERNATIVE RECOMMENDATIONS

None

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council approve the placement of liens on all unpaid accounts and authorize the subsequent assessments for all fees and charges should they remain unpaid prior to the transfer of said assessment to the County Assessor for inclusion on the next property tax assessment.

Respectfully submitted,



William E. Noland, Director
Finance and Management Agency

Prepared by:
Anna Lawrence, Acting Revenue Manager

APPROVED FOR FORWARDING
TO THE CITY COUNCIL:

Deborah A. Edgerly
OFFICE OF THE CITY ADMINISTRATOR

Item:
City Council
April 5, 2005

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FILED
OFFICE OF THE CITY CLERK
OAKLAND
2005 MAR 23 PM 3:44
C. M. S.

OAKLAND CITY COUNCIL

RESOLUTION NO. _____

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION OVERRULING PROTESTS AND OBJECTIONS AND ACCEPTING AND CONFIRMING REPORTS OF THE CITY ADMINISTRATOR 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

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WHEREAS, pursuant to Chapter 8.28, of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 5th day of April 2004, 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, April 5, 2005, 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 Administrator filed with the City Clerk on the 5th day of April 2005, 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 Administrator 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 2005, 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 2005-2006 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

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OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2005 MAR 23 PM 3:44

RESOLUTION NO. _____ C. M. S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION CONTINUING HEARING ON REPORTS OF THE CITY ADMINISTRATOR 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

-oOo-

RESOLVED: That the hearing of the reports of the City Administrator on the delinquent garbage fees and recordation of the liens with added administrative charges which was duly noticed and held on the 5th day of April 2005, 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, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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



OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2005 MAR 23 PM 3:44

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, 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 Administrator filed with the City Clerk on the 5th day of April 2005 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, April 5, 2005 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 Administrator filed with the City Clerk on the 5th of April 2005 concerning delinquent garbage service fees, the recordation of liens with administrative charges for the real property described hereinafter in the report of the City Administrator 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 2005, 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 2005-2006 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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