



2004 FEB -5 PM 4:19

CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Manager
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February 17, 2004

President Ignacio De La Fuente and Members
Oakland City Council
Oakland California

Re: SUPPLEMENTAL REPORT AND ORDINANCE AMENDING ORDINANCE NO. 12443 C.M.S. (MASTER FEE SCHEDULE), AS AMENDED, TO ESTABLISH FEES ASSESSED BY THE OFFICE OF THE CITY MANAGER, NUISANCE ENFORCEMENT UNIT, AND THE OFFICE OF THE CITY ATTORNEY FOR PUBLIC NUISANCE AND NUISANCE EVICTION CASES AND A RESOLUTION APPROPRIATING \$300,000 FOR THE NUISANCE ENFORCEMENT UNIT IN THE OFFICE OF THE CITY MANAGER, INCLUDING ADDITIONAL CITY ATTORNEY SERVICES TO SUPPORT NUISANCE ENFORCEMENT

On January 27, 2004, the Public Safety Committee reviewed, accepted and forwarded to the City Council the Report and Recommendations on the Implementation of the "Public Nuisance Ordinance" and the "Nuisance Eviction Ordinance". The Committee recommended adoption of the Nuisance Eviction Ordinance, and directed that the Master Fee Schedule be amended to add the new Nuisance Enforcement Unit (NEU) in the City Manager's Office and to authorize fees to recover administrative and legal costs related to nuisance violations and nuisance evictions. An Ordinance has been prepared to add various fees related to nuisance enforcement to the Master Fee Schedule. A resolution has also been prepared to appropriate the fees and penalties to the Nuisance Enforcement Unit. The proposed fees are based on the cost to the City to perform various new functions and duties outlined in the Public Nuisance Ordinance and Nuisance Eviction Ordinance. The Committee also recommended that, during the mid-cycle budget review, the Unit's budget and fees may be modified if necessary.

FISCAL IMPACT

There is no fiscal impact from the proposed Master Fee Schedule changes. The recommended fees plus penalties will generate an estimated amount in excess of \$300,000 in annual revenue which will offset the costs to provide the services for which the increased fees and penalties are charged, with no net gain. The revenue will be appropriated to the Nuisance Enforcement Unit in the City Manager's Office to cover the costs of that unit, including the Case Manager, an administrative assistant, operating costs, and City Attorney's services.

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KEY ISSUES AND IMPACTS

The following modifications are proposed to the FY 2003-2004 Master Fee Schedule:

1. Establish the *Nuisance Enforcement Unit* as a section of the City Manager's Office in the MFS and add the following fees under that unit:

- Add a \$2,000.00 fee for "Drug Nuisance Abatement Letter - Repeat Offender". Currently there is no charge for the approximately 200 letters that Beat Health sends annually at a cost of approximately \$1,000.00 per letter including Police costs for arrest, jail time and monitoring and compliance. The Repeat Offender fee would be assessed against the property owner for the second Drug Nuisance Abatement Letter sent within two years.
- Add a \$3,000.00 per case minimum or actual cost if higher fee for "Administrative Nuisance Cases". This fee includes NEU administrative and legal costs to assemble reports, collect and evaluate evidence, prepare and send notices, monitoring and compliance.
- Add a \$17,200.00 per case minimum or actual cost if higher fee for "Documentation and investigation for Public Nuisance abatement cases that go to court". This fee consists of Attorney costs (\$8,000.00), Police costs (\$8,000.00), Case Manager costs (\$1,000.00) and monitoring and compliance (\$200.00).
- Add a \$300.00 fee for "Notice to Evict by City". This fee is allowed by the proposed Nuisance Eviction Ordinance O.M.C. 8.23.100. The fee would be charged to landlords to cover the NEU's administrative and legal costs for investigating, evaluating the case and sending the notice to the landlord.
- Add authorization for the City Attorney to charge the costs of handling evictions for landlords, based on actual hours at hourly rates in the Master Fee Schedule plus out of pocket costs of litigating, e.g. deposition transcripts, process servers, etc.
- Add a \$2,500 per case fee for "Administrative costs for Civil Penalty citation." This fee covers the NEU's administrative and legal costs to assemble documents, evaluate evidence, send notices, and monitor compliance with the Nuisance Eviction cases.
- Add the following Nuisance Enforcement Unit hourly fees:

Case Manager	\$ 81.00 per hour
Administrative Assistant II	\$ 39.00 per hour

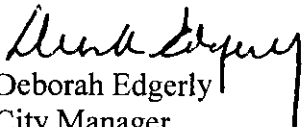
2. Establish the *City Attorney's Office* as a heading in the MFS and add the following fees under that unit so that additional City Attorney hours or outside counsel time required for the Public Nuisance Ordinance and the Nuisance Eviction Ordinance may be charged on an hourly basis:

- Deputy City Attorney I \$ 113.00 per hour
- Deputy City Attorney II \$ 137.00 per hour
- Deputy City Attorney III \$ 153.00 per hour
- Deputy City Attorney IV \$ 183.00 per hour
- Deputy City Attorney V \$ 209.00 per hour
- Paralegal \$ 91.00 per hour

CONCLUSION AND RECOMMENDATION

We recommend that the City Council accept this proposal for the Nuisance Enforcement Unit and its implementation of the PNO and the NEO, if adopted, and adopt the necessary amendments to the Master Fee Schedule.

Respectfully submitted,


Deborah Edgerly
City Manager

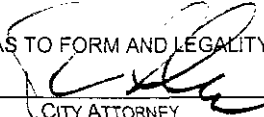
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OFFICE OF THE CITY CLERK

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

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CITY ATTORNEY

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AMENDING ORDINANCE NUMBER 12443 C.M.S. (MASTER FEE SCHEDULE), AS AMENDED, TO ESTABLISH FEES ASSESSED BY THE OFFICE OF THE CITY MANAGER, NUISANCE ENFORCEMENT UNIT, AND THE OFFICE OF THE CITY ATTORNEY FOR PUBLIC NUISANCE AND NUISANCE EVICTION CASES

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

WHEREAS, the fee modifications and additions proposed herein have been justified by the respective agencies and are identified in a letter dated January 27, 2004 from the City Manager to the Public Safety Committee; and

WHEREAS, the City Council finds and determines that the herein-referenced modifications and additions are necessary to reimburse the City for the costs of performing the various municipal and regulatory functions;

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

Section 1. The Master Fee Schedule as set forth in Ordinance Number 12443 C.M.S., as amended, is hereby amended to establish fees assessed by the Office of the City Manager (Nuisance Enforcement Unit) and the Office of the City Attorney as set forth in Exhibit 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, _____ 2004

PASSED BY THE FOLLOWING VOTE:

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

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____

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



City of Oakland
Master Fee Schedule
 Effective: Upon Adoption by City Council

CITY MANAGER

FEE DESCRIPTION	NEW FEE	UNIT
NUISANCE ENFORCEMENT UNIT		
A. PUBLIC NUISANCE ORDINANCE AND NUISANCE EVICTION ORDINANCE (OMC: PNO - 1.08.070 and 1.12.070; NEO 8.23.100)		
1 <i>Drug Nuisance Abatement Letter - Repeat Offender</i>	2,000.00	Letter
2 <i>Administrative Nuisance Cases</i>	3,000.00	Case Minimum or Actual Cost
3 <i>Documentation and Investigation for Public Nuisance Abatement Cases That Go to Court</i>	17,200.00	Case Minimum or Actual Cost
4 <i>Notice to Evict by City</i>	300.00	Notice
5 <i>Administrative Costs for Civil Penalty Citation</i>	2,500.00	Case
6 <i>Assistant to the City Manager (Case Manager)</i>	81.00	Hour
7 <i>Administrative Assistant II</i>	39.00	Hour



City of Oakland
Master Fee Schedule

Effective: Upon Adoption by City Council

CITY ATTORNEY

FEE DESCRIPTION	NEW FEE	UNIT
A. CITY ATTORNEY'S HOURLY RATES		
1 <i>Deputy City Attorney I</i>	113.00	Hour
2 <i>Deputy City Attorney II</i>	137.00	Hour
3 <i>Deputy City Attorney III</i>	153.00	Hour
4 <i>Deputy City Attorney IV</i>	183.00	Hour
5 <i>Deputy City Attorney V</i>	209.00	Hour
6 <i>Paralegal</i>	91.00	Hour

FILED
OFFICE OF THE CITY CLERK
RECORDED

Notice and Digest

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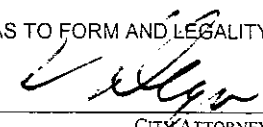
AN ORDINANCE AMENDING ORDINANCE NO. 12443 C.M.S. (MASTER FEE SCHEDULE), AS AMENDED, TO ESTABLISH FEES ASSESSED BY THE OFFICE OF THE CITY MANAGER, NUISANCE ENFORCEMENT UNIT, AND THE OFFICE OF THE CITY ATTORNEY FOR PUBLIC NUISANCE AND NUISANCE EVICTION CASES

This Ordinance proposes to amend the Master Fee Schedule to include hourly fees for personnel in the City Attorney's Office and the Nuisance Enforcement Unit of the City Manager's Office as well as fees for service in the Nuisance Enforcement Unit.

19.2
ORA/COUNCIL
FEB 17 2004

INTRODUCED BY COUNCILMEMBER _____

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CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION APPROPRIATING \$300,000 FOR THE NUISANCE ENFORCEMENT UNIT IN THE OFFICE OF THE CITY MANAGER, INCLUDING ADDITIONAL CITY ATTORNEY SERVICES TO SUPPORT NUISANCE ENFORCEMENT

WHEREAS, on October 21, 2003, the City Council adopted the Public Nuisance Ordinance; and

WHEREAS, on January 27, 2004, the Public Safety Committee reviewed, accepted and forwarded to the City Council the Report and Recommendations on the Implementation of the "Public Nuisance Ordinance" and the "Nuisance Eviction Ordinance"; and

WHEREAS, on January 27, 2004, the Public Safety Committee recommended adoption of the Nuisance Eviction Ordinance by the City Council; and

WHEREAS, the Public Safety Committee directed staff to return to the City Council with the necessary amendments to the Master Fee Schedule, which is a companion Ordinance to this Resolution; and

WHEREAS, a new Nuisance Enforcement Unit in the City Manager's Office will handle the Public Nuisance and Nuisance Eviction cases; and

WHEREAS, the fees and penalties collected by the Nuisance Enforcement Unit will fund the Unit; and

Alternate "A"

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WHEREAS, annual revenues from enforcing the Public Nuisance Ordinance and Nuisance Eviction Ordinance will generate an estimated \$300,000, and any additional funds received are needed to supplement on-going administrative and legal costs for this program; and

WHEREAS, the City Council finds and determines that the public safety, health, convenience, comfort, and general welfare will be furthered by enforcement of the Public Nuisance Ordinance and the Nuisance Eviction Ordinances; now therefore, be it

RESOLVED, that the City Council hereby appropriates \$300,000 for the Nuisance Enforcement Unit, which represents the first year Baseline Budget, and appropriates any additional revenues above the annual \$300,000 revenue estimate to supplement the NEU's budget; and the City Manager is hereby authorized to expend \$300,000, including \$90,500 for additional City Attorney services for nuisance enforcement, and any additional revenues collected, for the sole purpose of administering the Public Nuisance and Nuisance Eviction programs.

IN COUNCIL, OAKLAND, CALIFORNIA, _____ 2004

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
Of the City of Oakland, California

Alternate "A"

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February 17, 2004