

CITY OF OAKLAND
AGENDA REPORT

2004 SEP -7 PM 12: 29

TO: Office of the City Administrator
ATTENTION: Deborah A. Edgerly
FROM: Finance and Management Agency
DATE: September 21, 2004

SUBJECT: **Public Hearing on Delinquent Mandatory Garbage Fees for
January – March 2004, monthly accounts and
April – June 2004, quarterly accounts**

SUMMARY

On August 17, 2004, pursuant to Chapter 8.28, of the Oakland Municipal Code, an administrative hearing for delinquent mandatory garbage fees was held to hear protests and resolve any inconsistencies or inequities raised by property owners prior to the public hearing before the City Council.

A resolution has been prepared confirming the placement of liens on 5,888 accounts and authorizing the subsequent assessment for all fees and charges, should they remain unpaid at the time of the City's submission to the County Assessor.

FISCAL IMPACT

Waste Management of Alameda County has billed the City \$771,975.76 which represents monthly charges for April through June 2004 and quarterly charges for January through March 2004. The bill becomes payable after the public hearing is held. Property owners owe the City delinquent garbage charges and administrative fees totaling \$1,080,289.26 for this period. The City will transfer these charges to the Alameda County Tax Rolls to avoid a \$771,975.76 charge to the General Fund.

BACKGROUND

The City notified property owners of the City's intent to record a lien against their property. Seven cases were resolved and removed from the list of delinquent properties.

A resolution has been prepared confirming the placement of liens on 5,888 accounts and authorizing the subsequent assessment for all fees and charges.

KEY ISSUES AND IMPACTS

None

Item: **14.2**
City Council
September 21, 2004

POLICY DESCRIPTION

Pursuant to Chapter 8.28 of the Oakland Municipal Code, an administrative hearing for delinquent mandatory garbage fees is held to hear protests and resolve any inconsistencies or inequities raised by property owners prior to the public hearing before 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 as of August 10, 2005.

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.

Resolutions confirming the staff recommendations have been prepared for City Council consideration.

Item:
City Council
September 21, 2004

Respectfully Submitted,


William E. Noland, Director
Finance and Management Agency

Prepared by:
Debra Taylor Johnson, Revenue Manager
Revenue Division

APPROVED FOR FORWARDING
TO THE CITY COUNCIL


OFFICE OF THE CITY ADMINISTRATOR

Item: **14.2**
City Council
September 21, 2004

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

RESOLUTION ACCEPTING AND CONFIRMING REPORTS OF THE CITY MANAGER 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

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WHEREAS, pursuant to Chapter 8.28, of the Oakland Municipal Code, the City Manager filed with the City Clerk on the 21st day of September 2004 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, September 21, 2004 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 Manager filed with the City Clerk on the 21st of September 2004 concerning delinquent garbage service fees, the recordation of liens with administrative charges for the real property described hereinafter in the report of the City Manager 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 Manager 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, _____, 2004_____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

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CITY COUNCIL
SEP 21 2004

Michelle [Signature]

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

RESOLUTION OVERRULING PROTESTS AND OBJECTIONS AND ACCEPTING AND CONFIRMING REPORTS OF THE CITY MANAGER 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 Manager filed with the City Clerk on the 21st day of September 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, September 21, 2004, 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 Manager filed with the City Clerk on the 21st day of September 2004, 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 Manager 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 Manager 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, _____, 2004

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

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CITY COUNCIL

SEP 21 2004

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

RESOLUTION CONTINUING HEARING ON REPORTS OF THE CITY MANAGER 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

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RESOLVED: That the hearing of the reports of the City Manager on the delinquent garbage fees and recordation of the liens with added administrative charges which was duly noticed and held on the 21st day of March 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, _____, 2004 _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

14.2
CITY COUNCIL

SEP 21 2004