



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2016 SEP -7 PM 4: 28

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Margaret L. O'Brien
Revenue & Tax
Administrator

SUBJECT: Delinquent Garbage Fees

DATE: August 15, 2016

City Administrator Approval

Date: August 15, 2016

RECOMMENDATION

Staff Recommends That The City Council Adopt The Resolution Accepting And Confirming Reports Of The City Administrator For Delinquent Garbage Fees And Special Assessment Charges As Necessary Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Special Assessment Charges Be Turned Over To The County Tax Collector For Collection.

EXECUTIVE SUMMARY

Adoption of this resolution will authorize the subsequent special assessment for all fees and charges should they remain unpaid prior to the transfer of said special assessment to the County Assessor for inclusion on the next property tax roll.

BACKGROUND / LEGISLATIVE HISTORY

On August 2, 2016 pursuant to Chapter 8.28.210 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.

Eight (8) cases were resolved and removed from the list of 5,297 delinquent periods. A resolution has been prepared confirming and authorizing the special subsequent assessment for all fees and charges, should they remain unpaid at the time of submission to the County Assessor.

Pursuant to Chapter 8.28.210 of the Oakland Municipal Code, administrative hearings were held on August 2, 2016 to hear protests and resolve any inconsistencies or inequities regarding the delinquent mandatory garbage fees prior to the September 20, 2016 public hearing before the City Council.

Item: _____
City Council
September 20, 2016

ANALYSIS AND POLICY ALTERNATIVES

Waste Management of Alameda County forwarded the City \$1,950,923.76 for the April through June 2016 quarterly service period and the January, February and March 2016 monthly service periods. Property owners owe Waste Management delinquent garbage service charges totaling \$1,429,440.71 and City Administrative fees totaling \$521,483.05 for these service periods. The City will transfer all unpaid charges and fees to the Alameda County Tax Roll, and payments received through the County Tax Roll will be deposited in the City's Mandatory Garbage Fund (1700).

FISCAL IMPACT

If the City fails to collect the administrative fees, the City's Mandatory Garbage Fund (1700) may potentially lose a grand total of \$521,483.05 for these service periods.

PUBLIC OUTREACH / INTEREST

Administrative hearings for delinquent real property transfer taxes were held on August 2, 2016 to hear protests and resolve any inconsistencies or inequities raised by property owners regarding the non-payment of delinquent garbage charges.

COORDINATION

In coordination with the Office of the City Attorney and the Controller's Bureau, the agenda report, resolutions, and supporting items attached to this report have been reviewed and/or approved for form, legality and fiscal implications.

SUSTAINABLE OPPORTUNITIES

Economic: Collections of delinquent garbage charges have major economic implications for the City's sustainability. The revenue source is relied upon to fund essential City services.

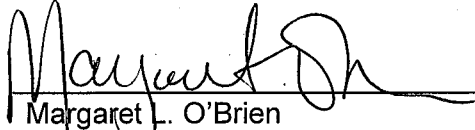
Environmental: There are no environmental opportunities resulting from the recordation of liens.

Social Equity: Collections of delinquent garbage charges have significant social equity implications for the City's sustainability. The revenue source is relied upon to fund essential City services to all citizens and taxpayers.

ACTION REQUESTED OF THE CITY COUNCIL

For questions regarding this report, please contact Margaret O'Brien, Revenue and Tax Administrator at (510) 238-7480.

Respectfully submitted,



Margaret L. O'Brien
Revenue and Tax Administrator
Revenue Management Bureau

Reviewed By:
Nicole Welch, Collections Officer
Citywide Liens, Revenue Management Bureau

Prepared By:
Robert Kray, Tax Enforcement Officer II
Citywide Liens, Revenue Management Bureau

2016 SEP -7 PM 4:28 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION ACCEPTING AND CONFIRMING REPORTS OF THE CITY ADMINISTRATOR FOR DELINQUENT GARGAGE SERVICE FEES WITH ADMINISTRATIVE AND SPECIAL ASSESSMENT CHARGES AS NECESSARY PURSUANT TO CHAPTER 8.28 OF THE OAKLAND MUNICIPAL CODE, AND DIRECTING THE NOTICE OF SPECIAL 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 **September 20, 2016** reports concerning delinquent garbage service fees with added administrative and special assessment charges on hereinafter described real property; and

WHEREAS, the date **September 20, 2016**, and the time **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 **September 20, 2016** concerning delinquent garbage service fees with administrative and special 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 special assessment charges; and be it

FURTHER RESOLVED, that if any special assessment levied on a property is not paid before the 10th day of August 2017; 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 2017-2018 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

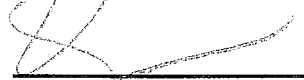
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON McELHANEY

ABSENT -

ABSTENTION -

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



City Attorney

OAKLAND CITY COUNCIL

2016 SEP -7 PM 4:26

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION CONTINUING HEARING OF THE REPORTS OF THE CITY ADMINISTRATOR ON DELINQUENT GARBAGE SERVICE FEES WITH ADMINISTRATIVE AND SPECIAL 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 with added administrative and special assessment charges that was duly noticed and held on September 20, 2016 at 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, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON McELHANEY

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

Approved as to Form and Legality

OAKLAND CITY COUNCIL

2016 SEP -7 PM 4:24

RESOLUTION No. _____ C.M.S.


City Attorney

Introduced by Councilmember _____

**RESOLUTION OVERRULING PROTESTS AND OBJECTIONS AND
ACCEPTING AND CONFIRMING REPORTS OF THE CITY
ADMINISTRATOR FOR DELINQUENT GARBAGE SERVICE FEES
WITH ADMINISTRATIVE AND SPECIAL ASSESSMENT CHARGES AS
NECESSARY PURSUANT TO CHAPTER 8.28 OF THE OAKLAND
MUNICIPAL CODE, AND DIRECTING THE NOTICE OF SPECIAL
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 September 20, 2016 reports concerning delinquent garbage service fees with added administrative and special assessment charges on hereinafter described real property; and

WHEREAS, the date September 20, 2016 and the time 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 September 20, 2016 concerning delinquent garbage service fees with administrative and special 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 special assessments are hereby authorized to the properties described in the attached reports, in the amounts set opposite each description for delinquent garbage service fees, added administrative and special assessment charges; and be it

FURTHER RESOLVED, that if any special assessment levied on a property that is not paid before the 10th day of August 2017, 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 2016-2017 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON McELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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