

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 JUN -3 PM 7:46

TO: Office of the City Administrator
ATTENTION: Deborah Edgerly
FROM: Finance and Management Agency
DATE: June 15, 2004

SUBJECT: **Public Hearing on Delinquent Mandatory Garbage Fees for
January - March 2004, quarterly accounts and
October - December 2003, monthly accounts**

SUMMARY

On May 18, 2004, 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, seven cases were resolved and removed from the list of delinquent properties. A resolution has been prepared confirming the placement of liens on 5,929 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 \$697,628.69 which represents monthly charges for October through December 2003 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 \$999,202.76 for this period. The City will transfer these charges to the Alameda County Tax Rolls to avoid a \$697,628.69 charge to the General Fund.

BACKGROUND

The public hearing represents monthly billings for October through December 2003 and quarterly billings for January through March 2004.

KEY ISSUES AND IMPACTS

None

Item: **14.3**
Council Meeting
June 15, 2004

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 as of August 10, 2004.

ALTERNATIVE RECOMMENDATIONS

None

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests 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, 2004.

Item: 14.3
Council Meeting
June 15, 2004

Respectfully submitted,



William E. Noland, Director
Finance and Management Agency

Prepared by:
Debra Taylor Johnson, Revenue Manager

APPROVED FOR FORWARDING
TO THE CITY COUNCIL:



OFFICE OF THE CITY ADMINISTRATOR

Item: 14-3
Council Meeting
June 15, 2004

Michelle Smith

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND
RESOLUTION NO. _____ C. M. S.

2004 JUN -3 PM 7:46

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 15th day of June 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, June 15, 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 Administrator filed with the City Clerk on the 15th of June 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 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 2004, 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 2004-2005 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-

14.3.1
ORACOUNCIL
JUN 15 2004

Michelle Smith

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. _____ C. M. S.

2004 JUN -3 PM 7:46

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

-oOo-

WHEREAS, pursuant to Chapter 8.28, of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 15th day of June 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, June 15, 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 Administrator filed with the City Clerk on the 15th day of June 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 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 2004, 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 2004-2005 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-

**14-3-2
ORACOUNCIL**

JUN 15 2004

Michelle Smith

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. _____ C. M. S.

2004 JUN -3 PM 7:46

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

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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 15th day of June 2004, 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-

14.3.3
OAKLAND CITY COUNCIL

JUN 15 2004