

CITY OF OAKLAND FILED
AGENDA REPORT OFFICE OF THE CITY CLERK
OAKLAND

2009 SEP 10 AM 11:02

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Finance and Management Agency
DATE: September 22, 2009

RE: **Public Hearing on Delinquent Mandatory Garbage Fees for January/February/
March 2009 Monthly Accounts and April/May/June 2009 Quarterly Accounts**

SUMMARY

The City of Oakland and Waste Management of Alameda County have a franchise agreement for solid waste, yard waste collection and disposal services. In accordance with the terms of this agreement, all delinquent garbage accounts are transferred to the Citywide Liens Tax Compliance Section for recording of liens against the property address. The City of Oakland reimburses Waste Management of Alameda County the unpaid delinquent charges and pursues the delinquent property owner to recover the unpaid charges plus administrative fees. The taxpayer is notified prior to the lien process and given the opportunity to pay or appeal the debt. If the property owner does not dispute or pay prior to August 10th of any calendar year, the Citywide Liens Tax Compliance Section will forward delinquent accounts to the County of Alameda for placement on the secured property Tax Roll for collection.

On August 10, 2009, 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 this public hearing before the City Council. Each affected property owner was notified of the administrative hearing. Accordingly, 22 cases were resolved and removed from the list of delinquent properties. A resolution has been prepared confirming the placement of liens on 9427 accounts (a list of delinquent accounts is available for review in the Office of the City Clerk, 1st floor City Hall) 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 billed the City \$1,296,011 which represents monthly charges for January 2009 through March 2009, and quarterly charges for April 2009 through June 2009. The bill is due and payable after the public hearing proceedings. Property owners owe the City delinquent garbage charges totaling \$1,296,011 and administrative fees totaling \$478,699 creating a grand total of \$1,774,710 for this period. The City will transfer all unpaid charges and fees to the Alameda County Tax Roll, and payments received through the County will be deposited in the City's General Purpose Fund.

Item: _____
City Council
September 22, 2009

BACKGROUND

The public hearing represents monthly charges for January through March 2009, and quarterly charges for April through June 2009.

KEY ISSUES AND IMPACTS

There are no key issues and impacts.

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 City Council.

SUSTAINABLE OPPORTUNITIES

Collections of delinquent Mandatory Garbage Fees have major economic and social equity implications for the City's sustainability. This revenue source is relied upon to fund essential City services.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no impacts on disability and senior citizen access.


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, 2010.

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, 2010.

Respectfully submitted,



Joseph T. Yew, Jr.
Finance Director/City Treasurer

Prepared by:
Terry Adelman, Revenue Manager
FMA Revenue Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the City Administrator

OAKLAND CITY COUNCIL

Karen Salas
City Attorney

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 WITH ADMINISTRATIVE AND ASSESSMENT CHARGES AS NECESSARY - PURSUANT TO CHAPTER 8.28 OF THE OAKLAND MUNICIPAL CODE, AND DIRECTING THE NOTICE OF LIEN AND ASSESSMENT CHARGES BE TURNED OVER TO THE COUNTY TAX COLLECTOR FOR COLLECTION

2009 SEP 10 AM 11:03
OFFICE OF THE CITY CLERK
OAKLAND

WHEREAS, pursuant to Chapter 8.28 of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 22nd day of September 2009 the reports concerning the costs incurred by the City of Oakland for delinquent garbage service fees and recordation of liens with added administrative and assessment charges on hereinafter described real property; and

WHEREAS, September 22, 2009, 7:00 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 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 22nd day of September 2009 concerning delinquent garbage service fees, the recordation of liens with administrative and 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 assessment charges; and be it

FURTHER RESOLVED: That if any assessment levied on a property is not paid before the 10th day of August 2010, 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 2010-2011 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, REID, QUAN and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

OAKLAND CITY COUNCIL

[Signature]
City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 SEP 10 AM 11:03

RESOLUTION OVERRULING PROTESTS AND OBJECTIONS AND ACCEPTING AND CONFIRMING REPORTS OF THE CITY ADMINISTRATOR ON THE COSTS INCURRED BY THE CITY OF OAKLAND FOR DELINQUENT GARBAGE SERVICE FEES AND AUTHORIZING THE RECORDATION OF LIENS WITH ADMINISTRATIVE AND ASSESSMENT CHARGES AS NECESSARY – PURSUANT TO CHAPTER 8.28 OF THE OAKLAND MUNICIPAL CODE, AND DIRECTING THE NOTICE OF LIEN AND 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 the 22nd day of September 2009 the reports concerning the costs incurred for delinquent garbage service fees and recordation of liens with added administrative and assessment charges on hereinafter described real property; and

WHEREAS, September 22, 2009, 7:00 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 the 22nd day of September 2009 concerning delinquent garbage service fees and the recordation of liens with administrative and 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 assessments are hereby authorized to be levied upon the properties described in the attached reports, in the amounts set opposite each description for costs incurred for delinquent garbage service fees, added administrative and assessment charges; and be it

FURTHER RESOLVED: That if any assessment levied on a property is not paid before the 10th day of August 2010, 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 2010-20011 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, REID, QUAN and PRESIDENT BRUNNER

NOES -

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

OAKLAND CITY COUNCIL

Katrina Solis
City Attorney

2009 SEP 10 AM 11:00
RESOLUTION No. _____ C.M.S.
Introduced by Councilmember _____

RESOLUTION CONTINUING HEARING OF THE REPORTS OF THE CITY ADMINISTRATOR ON DELINQUENT GARBAGE SERVICE FEES AND THE RECORDATION OF LIENS WITH ADMINISTRATIVE AND 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 and recordation of liens with added administrative and assessment charges that was duly noticed and held on the 22nd day of September 2009, 7:00 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, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, REID, QUAN and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

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