

OFFICE OF THE CITY CLERK

CITY OF OAKLAND

AGENDA REPORT

2007 JUN 23 PM 1:50

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: July 10, 2007

RE: **Resolution Confirming The Report Of Assessment For The Abatement Of Dangerous And Insanitary Building Sewer Conditions Throughout The City of Oakland**

SUMMARY

A resolution has been prepared to confirm the Report of Assessment for the abatement of dangerous and insanitary building sewers pursuant to Section 13.08.280 of the Oakland Municipal Code (OMC); and to allow the City to transfer to the Alameda County Tax Roll for the collection of delinquent payments associated with costs incurred for abating dangerous and insanitary sewer laterals.

Five (5) properties are delinquent in payments totaling \$36,638.32 (see Attachment A). The owners of the five (5) properties signed a voluntary agreement to complete required work on their sewer lateral, but failed to perform the work. The City hired and paid contractors that performed the abatement. The property owners failed to reimburse the City for the costs incurred. The current amount due includes all contractors' costs, administrative fees, and interest accrued.

In accordance with Section 13.08.280, and 13.08.320 of the OMC, this shall constitute a special assessment against the real property abated.

Staff recommends that the resolution be approved.

FISCAL IMPACT

Pending Council approval of this resolution, a special assessment will be placed on the properties to recover all construction and administrative costs incurred by the City. The combined total to be assessed against the properties, including fees and interest, is \$36,638.32 and will be collected with the 2007-08 property taxes. The cost of all work to date has been paid by the City from the Sewer Service Fund (3100). The assessment will reimburse the City for costs incurred in the abating of these private building sewers and the recoveries will be placed back into the Sewer Service Fund.

Item: _____
Finance and Management Committee
July 10, 2007

BACKGROUND

Overflows from private sanitary sewer laterals present a threat to public health and safety. The Public Works Agency is responsible for ensuring that the respective owners of these laterals abate these conditions. When the City incurs costs to abate these overflows, the property owners are responsible for reimbursement of these costs to the City. The procedure for mandatory sewer abatement provides for the Council to confirm or overrule the findings of the Director of the Public Works Agency after an administrative hearing on each abatement.

KEY ISSUES AND IMPACTS

The combined total to be assessed, including fees and interest, is \$36,638.32. The assessment will be collected with the 2007-08 property taxes. All work to date has been paid for by the City. The assessment will reimburse the City for costs incurred in abating these private building sewers. Since an extensive hearing process has already occurred, it is not necessary for the Council to conduct an additional formal hearing. The report has been posted in the City Clerk's Office and a copy sent to the affected property owners specifying the cost of abatement for each parcel to be assessed. *The OMC requires the Council to confirm or overrule the decision of the Director of the Public Works Agency.* If protest arises on any particular property, staff will meet with the property owner to resolve the matter.

The resolution confirms the report and directs the assessments to be filed with the County Auditor. The cost of this work will constitute a special assessment with the 2007-08 property taxes.

SUSTAINABLE OPPORTUNITIES

Economic: This program will provide maintenance opportunities for local businesses and workers.

Environmental: The program will help improve water quality in the Bay and connecting waterways, and prevent contamination of streets, sidewalks, and the environment.

Social Equity: Property owners throughout the City, who have defective sewer lines, will benefit from this program.

DISABILITY AND SENIOR CITIZEN ACCESS

This section is not applicable. This resolution pertains to the assessment of monies due to the City and does not have any concerns dealing with disability and senior citizen accessibility.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of the resolution.

Respectfully submitted,

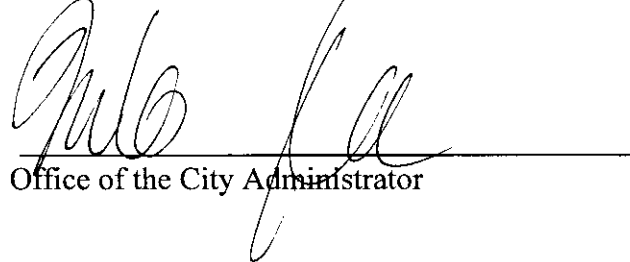


Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.,
Assistant Director, Public Works Agency
Design & Construction Services Department

Prepared by:
Marcel Uzegbu, Supervising Civil Engineer
Engineering Design and Right-of-Way

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:



Office of the City Administrator

CITY OF OAKLAND REPORT OF ASSESSMENTS
 FOR THE ABATEMENT OF INSANITARY SEWER CONDITION
 TAX YEAR 2007-2008
 July 10, 2007

Name	Property Address	Assessor's #	Total Amount Transferred
Jonathan & Karen Price	919 33 rd Street	0090722014	\$1,831.78
Russel & Selesstine D Winton	3427 Salisbury Street	027-0897-03	\$4,323.55
Ilisapeti Tongi	2173 48 th avenue	036-2416-22	\$6,878.57
Marilyn D. Marshallozour	1433 Adeline Street	005-0378-012	\$11,765.20
Davina Chioma	2438 Foothill Blvd	020-0204-020	\$11,839.22
5/17/07 REV AW		Total Amount	\$36,638.32


City Attorney

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK

2007 JUN 29 PM 1:50

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION CONFIRMING THE REPORT OF ASSESSMENT FOR THE ABATEMENT OF DANGEROUS AND INSANITARY BUILDING SEWER CONDITIONS THROUGHOUT THE CITY OF OAKLAND

WHEREAS, pursuant to the provisions of Chapter 13.08 of the Oakland Municipal Code, (OMC) the Director of Public Works Agency of the City of Oakland identified dangerous and insanitary sewer conditions located upon the properties listed in the REPORT OF ASSESSMENT to be abated; and

WHEREAS, said cost of abatement as shown in the REPORT OF ASSESSMENT, which is attached hereto and is incorporated as an integral part hereof, is to be paid by the owners of said properties; and

WHEREAS, the owners of said properties have been notified of said cost pursuant to Section 13.08.280 of the Oakland Municipal Code; and

WHEREAS, a copy of the REPORT OF ASSESSMENT has been posted in the Office of the City Clerk for at least five (5) days with a notice of the time and date when said report would be submitted to the City Council for confirmation; and

WHEREAS, the hour of 6:00p.m. July 10, 2007, was fixed as the hour and date for the Council to confirm said report, together with any objection(s) or protest(s) which may be raised by any of the property owner(s) liable to be assessed for the work of abating said dangerous and insanitary condition(s); and

WHEREAS, the amount shown in the attached Report of Assessment may be revised to reflect staff negotiations with the property owners; and

WHEREAS, the Council has heard and considered all such objection(s) and protest(s); now, therefore, be it

RESOLVED: That the Council hereby directs the Director of Public Works Agency to submit to the Finance and Management Agency the final Report of Assessment upon passage of the resolution; and be it

FURTHER RESOLVED: That said REPORT OF ASSESSMENT of the Director of Public Works Agency on the cost of abating said dangerous and insanitary conditions is hereby confirmed; and be it

FURTHER RESOLVED: That the Director of Public Works Agency is hereby directed to file a lien with the Recorder of the County of Alameda for the parcels delineated in said REPORT OF ASSESSMENT; and be it

FURTHER RESOLVED: That the Finance and Management Agency Revenue Liens Division is hereby directed to file a certified copy of said REPORT OF ASSESSMENT with the County Auditor of the County of Alameda on or before the 1st day of August 2007.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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