

**CITY OF OAKLAND**  
**AGENDA REPORT**

06 JUN - 3 PM 2:31

TO: Office of the City Administrator  
ATTENTION: Deborah A. Edgerly  
FROM: Finance and Management Agency  
DATE: June 20, 2006

SUBJECT: **Public Hearing on Delinquent Mandatory Garbage Fees for  
October/November/December 2005, Monthly Accounts and  
January/February/March 2006, Quarterly Accounts**

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**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, any 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 10<sup>th</sup> 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 May 16, 2006, 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, two cases were resolved and removed from the list of delinquent properties. A resolution has been prepared confirming the placement of liens on 6,269 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 billed the City \$917,408, which represents monthly charges for October through December 2005, and quarterly charges for January through March 2006. The bill is due and payable after the public hearing proceedings. Property owners owe the City delinquent garbage charges (\$917,408) and administrative fees (\$325,615) totaling \$1,243,023 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:  
Council Meeting  
June 20, 2006

## **BACKGROUND**

The public hearing represents monthly charges for October through December 2005, and quarterly charges for January through March 2006.

## **KEY ISSUES AND IMPACTS**

None

## **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**

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**

None

## **RECOMMENDATION AND RATIONALE**

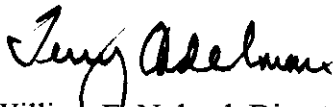
Staff recommends that the City Council approve the resolution confirming the placement of liens on all unpaid accounts and authorize the subsequent assessments for all fees and charges should they remain unpaid as of August 10, 2006.

Item:  
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**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, 2006.

Respectfully submitted,

  
fe William E. Noland, Director  
Finance and Management Agency

Prepared by:  
Terry Adelman, Revenue Manager  
Revenue Division

APPROVED FOR FORWARDING  
TO THE CITY COUNCIL:

  
\_\_\_\_\_  
OFFICE OF THE CITY ADMINISTRATOR

Item:  
Council Meeting  
June 20, 2006

*Kettle - John - 07/06/06*

06 JUN - 6 PM 2:37

OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C. M. S.

**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**

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WHEREAS, pursuant to Chapter 8.28, of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 20<sup>th</sup> day of June 2006 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 20, 2006 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 20<sup>th</sup> of June 2006 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 are 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 2006, 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 2006-2007 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20 \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

*Resolution 1172*

OFFICE OF THE CITY CLERK  
OAKLAND

OAKLAND CITY COUNCIL

2006 JUN -7 AM 9:25

RESOLUTION NO. \_\_\_\_\_ C. M. S.

**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**

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WHEREAS, pursuant to Chapter 8.28, of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 20<sup>th</sup> day of June 2006, her reports concerning the costs incurred for delinquent garbage service and recordation of liens with added administrative charges and assessment charges on the *thereinafter* described real property; and

WHEREAS, June 20, 2006, 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 20<sup>th</sup> day of June 2006, 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 2006, 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 2006-2007 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20 \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

*Kathleen Sheehy Boyd*  
CITY ATTORNEY

OFFICE OF THE CITY CLERK  
OAKLAND

2006 JUN -7 AM 9:25 OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C. M. S.

**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 20<sup>th</sup> day of June 2006, at the hour 7:01 p.m., is hereby continued for further hearing on the day of \_\_\_\_\_ in the City Hall, One Frank H. Ogawa Plaza, Council Chambers, Oakland, California.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20 \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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