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February 17, 2004

President Ignacio De La Fuente and Members  
Oakland City Council  
Oakland California

**Re: SUPPLEMENTAL REPORT AND ORDINANCE AMENDING ORDINANCE NO. 12443 C.M.S. (MASTER FEE SCHEDULE), AS AMENDED, TO ESTABLISH FEES ASSESSED BY THE OFFICE OF THE CITY MANAGER, NUISANCE ENFORCEMENT UNIT, AND THE OFFICE OF THE CITY ATTORNEY FOR PUBLIC NUISANCE AND NUISANCE EVICTION CASES AND A RESOLUTION APPROPRIATING \$300,000 FOR THE NUISANCE ENFORCEMENT UNIT IN THE OFFICE OF THE CITY MANAGER, INCLUDING ADDITIONAL CITY ATTORNEY SERVICES TO SUPPORT NUISANCE ENFORCEMENT**

On January 27, 2004, the Public Safety Committee reviewed, accepted and forwarded to the City Council the Report and Recommendations on the Implementation of the "Public Nuisance Ordinance" and the "Nuisance Eviction Ordinance". The Committee recommended adoption of the Nuisance Eviction Ordinance, and directed that the Master Fee Schedule be amended to add the new Nuisance Enforcement Unit (NEU) in the City Manager's Office and to authorize fees to recover administrative and legal costs related to nuisance violations and nuisance evictions. An Ordinance has been prepared to add various fees related to nuisance enforcement to the Master Fee Schedule. A resolution has also been prepared to appropriate the fees and penalties to the Nuisance Enforcement Unit. The proposed fees are based on the cost to the City to perform various new functions and duties outlined in the Public Nuisance Ordinance and Nuisance Eviction Ordinance. The Committee also recommended that, during the mid-cycle budget review, the Unit's budget and fees may be modified if necessary.

#### **FISCAL IMPACT**

There is no fiscal impact from the proposed Master Fee Schedule changes. The recommended fees plus penalties will generate an estimated amount in excess of \$300,000 in annual revenue which will offset the costs to provide the services for which the increased fees and penalties are charged, with no net gain. The revenue will be appropriated to the Nuisance Enforcement Unit in the City Manager's Office to cover the costs of that unit, including the Case Manager, an administrative assistant, operating costs, and City Attorney's services.

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## KEY ISSUES AND IMPACTS

The following modifications are proposed to the FY 2003-2004 Master Fee Schedule:

1. Establish the *Nuisance Enforcement Unit* as a section of the City Manager's Office in the MFS and add the following fees under that unit:

- Add a \$2,000.00 fee for "Drug Nuisance Abatement Letter - Repeat Offender". Currently there is no charge for the approximately 200 letters that Beat Health sends annually at a cost of approximately \$1,000.00 per letter including Police costs for arrest, jail time and monitoring and compliance. The Repeat Offender fee would be assessed against the property owner for the second Drug Nuisance Abatement Letter sent within two years.
- Add a \$3,000.00 per case minimum or actual cost if higher fee for "Administrative Nuisance Cases". This fee includes NEU administrative and legal costs to assemble reports, collect and evaluate evidence, prepare and send notices, monitoring and compliance.
- Add a \$17,200.00 per case minimum or actual cost if higher fee for "Documentation and investigation for Public Nuisance abatement cases that go to court". This fee consists of Attorney costs (\$8,000.00), Police costs (\$8,000.00), Case Manager costs (\$1,000.00) and monitoring and compliance (\$200.00).
- Add a \$300.00 fee for "Notice to Evict by City". This fee is allowed by the proposed Nuisance Eviction Ordinance O.M.C. 8.23.100. The fee would be charged to landlords to cover the NEU's administrative and legal costs for investigating, evaluating the case and sending the notice to the landlord.
- Add authorization for the City Attorney to charge the costs of handling evictions for landlords, based on actual hours at hourly rates in the Master Fee Schedule plus out of pocket costs of litigating, e.g. deposition transcripts, process servers, etc.
- Add a \$2,500 per case fee for "Administrative costs for Civil Penalty citation." This fee covers the NEU's administrative and legal costs to assemble documents, evaluate evidence, send notices, and monitor compliance with the Nuisance Eviction cases.
- Add the following Nuisance Enforcement Unit hourly fees:

Case Manager	\$ 81.00 per hour
Administrative Assistant II	\$ 39.00 per hour

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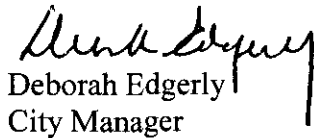
2. Establish the *City Attorney's Office* as a heading in the MFS and add the following fees under that unit so that additional City Attorney hours or outside counsel time required for the Public Nuisance Ordinance and the Nuisance Eviction Ordinance may be charged on an hourly basis:

- Deputy City Attorney I \$ 113.00 per hour
- Deputy City Attorney II \$ 137.00 per hour
- Deputy City Attorney III \$ 153.00 per hour
- Deputy City Attorney IV \$ 183.00 per hour
- Deputy City Attorney V \$ 209.00 per hour
- Paralegal \$ 91.00 per hour

### CONCLUSION AND RECOMMENDATION

We recommend that the City Council accept this proposal for the Nuisance Enforcement Unit and its implementation of the PNO and the NEO, if adopted, and adopt the necessary amendments to the Master Fee Schedule.

Respectfully submitted,

  
Deborah Edgerly  
City Manager