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OAKLAND  
2008 JUL 10 PM 4:11

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator  
Dan Lindheim  
Acting City Administrator

(510) 238-3301

July 22, 2008

**CONCURRENT REDEVELOPMENT AGENCY AND  
CITY COUNCIL COMMITTEE ON COMMUNITY AND  
ECONOMIC DEVELOPMENT  
Oakland, California**

Chairperson Brunner and Members of the Committee:

**RE: A Status Report on the Excess Litter Fee Program**

**SUMMARY**

The Excess Litter Fee was established and implemented in 2006 to raise revenue to abate litter created by fast food businesses, liquor stores, convenience markets and gasoline station markets. These types of establishments pay an Excess Litter Fee based on the size of their business. Revenue generated from the fee is used to defray the cost of litter and trash clean-up resulting from the operation of these businesses.

**FISCAL IMPACT**

During FY 2006-07, the Excess Litter Fee generated \$353,189 in revenue with expenditures of \$93,683. For FY 2007-08, revenues to date total \$363,250 with expenditures of \$263,382. Revenues are deposited and expenses charged to Fund 2417 – the Excess Litter Fee Fund.

**BACKGROUND**

The City Council adopted the “Excess Litter Fee” ordinance (Ordinance No. 12727 C.M.S.) on February 21, 2006 with the goal of creating and maintaining clean city sidewalks, streets and public spaces (Attachment A). Following the adoption of the ordinance, the City Administrator’s office along with the Finance and Management Agency, the City Attorney’s Office and the

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Public Works Agency began planning for implementation of the new litter removal procedures and development/collection of the Excess Litter Fee. An informational brochure describing the Excess Litter Fee was developed and distributed to affected businesses (Attachment B). On June 20, 2006, the City Council adopted amendments to the Master Fee Schedule, effective July 1, 2006, to add a series of fees associated with the removal of excess litter in the areas around fast food businesses, liquor stores, convenience markets and gasoline station markets.

A list of 225 targeted streets and neighborhoods where clean up and disposal of litter would be the City's highest priority was developed and reviewed by Councilmembers (Attachment C). The list will be circulated to Councilmembers for review and modification during the next several weeks. The City Council, on June 27, 2006, adopted Resolution No. 79999 C.M.S. (Attachment D) authorizing the execution of a two year agreement with Youth Employment Partnership, Inc. to carry out the Anti-Litter program. The term of that agreement is from September 15, 2006 to September 15, 2008.

## KEY ISSUES AND IMPACTS

### *Excess Litter Fee*

The Excess Litter Fee is billed annually to fast food businesses, liquor stores, convenience markets and gasoline station markets. The fee is based on an establishments annual gross receipts as follows:

	<u>Annual Fee</u>
• Small Business (annual gross receipts between \$5,000 and \$500,000)	\$ 230
• Medium Business (annual gross receipts between \$500,001 and \$1,000,000)	\$ 910
• Large Business (annual gross receipts over \$1,000,000)	\$3,815

There are currently 565 businesses which are assessed the Excess Litter Fee (382 small businesses, 78 medium businesses and 105 large businesses). The Excess Litter Fee has generated \$363,250 in revenue this fiscal year.

### *Team Oakland/YEP*

Youth Employment Partnership Inc. (YEP) is an organization dedicated to youth training and employment. Since 1995, YEP has been operating Team Oakland, a comprehensive program that provides training and employment for youth in environmental clean-up, restoration and City beautification. YEP began operation of the Anti-Litter Program in October 2006. Youth hired as program participants for litter abatement are Oakland residents 15-18 years of age and are typically hired from the neighborhoods where they will be assigned to work. The students are paid \$8 per hour to pick up litter from sidewalks, gutters, storm drains and tree wells. The litter is

placed in bags which are then collected by the City's Public Works Agency. During the first 20 months of the program (October 2006 through May 2008), a total of 19,613 bags of litter were collected (approximately 196 tons). A chart of the litter collections by Council District is provided below and in Attachment E.

Council District	Bags of Trash Collected
1	3,039
2	2,181
3	4,377
4	1,957
5	2,629
6	2,053
7	3,377
<b>Total</b>	<b>19,613</b>

In addition to the normal litter collection activities, program participants participated in a Storm Drain Campaign where they educated merchants about keeping storm drains free of debris, contributed to Earth Day clean-up activities and provided City-wide litter clean-up support on several occasions, as requested.

During the summer of 2007, the Excess Litter Program was integrated with the Team Oakland Program to maximize litter collection efforts. Up to 135 youth were assigned to collect litter, working four hours per day and four days per week. During the summer months trash was removed from the targeted areas at least three times per week. The cost of this litter collection effort was apportioned between the Excess Litter Program and the Team Oakland program.

***Program Modification Proposal***

One difficulty encountered in administering the program under its current configuration is obtaining interested high school youth who are available for litter pick up work during the school year, especially during the winter months when after-school daylight hours are limited and the weather is wet and cold. This became especially difficult during this past year when YEP was unable to hire any students during the months of September and October, with an average of 12 students working during months of November through May. While school is in session, students are asked to work two hours in the afternoon, three to four days per week. An additional problem encountered this past year was finding students to cover all of the target areas. Students have been assigned to work in or near the areas where they live and attend school. This has resulted in several areas with limited or no trash pick up for several consecutive months.

Staff is recommending several changes to increase the effectiveness of the Excess Litter Program on a year-round basis. The program, as it is currently configured, works very well during the summer months when there are students available for the trash pick-up effort. The program has been less effective in the non-summer months. To remedy this situation, it is recommended that participation in the program be expanded beyond high school students, particularly during the school year, to increase the number of hours of litter collection.

Young adults and individuals in transition or re-entry might be two groups appropriate for this effort. Staff believes that it will also be more effective to set up roving teams of collectors to cover all areas rather than assigning litter collectors to work only near the areas in which they live. In addition, the City Administrator's Office has increased its oversight of this Program and will be closely monitoring the monthly activity reports. The current two year agreement with YEP expires in September 2008. A Request for Proposals (RFP) process will be initiated in July. Proposals will be due in August and will be evaluated based upon experience, ability to provide an effective litter collection effort on a year-round basis and cost. A recommendation with detailed program description will be presented to the Community and Economic Development Committee in September.

#### **ACTION REQUESTED OF THE CITY COUNCIL**

The City Council is requested to receive this information report.

Respectfully submitted,



Dan Lindheim  
Acting City Administrator

Prepared by: William J. Zenoni  
Interim Deputy City Administrator  
Office of the City Administrator

- Attachment A: Ordinance No. 12727 C.M.S.
- Attachment B: Excess Litter Fee Brochure
- Attachment C: Anti-Litter Locations
- Attachment D: Resolution No. 79999 C.M.S.
- Attachment E: Anti-Litter Program Statistics

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APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

City Attorney

ORDINANCE No. 12727 C.M.S. FEB 13 PM 1:08

**AN ORDINANCE ENACTING A FEE ON FAST FOOD BUSINESSES, CONVENIENCE MARKETS, AND GASOLINE STATION MARKETS TO DEFRAY THE COST OF LITTER AND TRASH CLEAN-UP RESULTING FROM THEIR OPERATION**

**WHEREAS**, The accumulation of trash and litter on our streets, sidewalks and other public spaces, particularly near schools, requires significant City resources to collect and dispose of, detracts from the look and livability of our City, and hampers Oakland's ability to attract investment and retain quality businesses; and

**WHEREAS**, The accumulation of trash and litter in or near storm drains or other conduits of water runoff hampers the City's storm water drainage system, can pollute storm water runoff, Lake Merritt and other City streams, creeks and waterways, and risks putting the City of Oakland in violation of its Federal Clean Water Act Permit; and

**WHEREAS**, But for the trash and litter produced by businesses and general business types, no City resources would be required to collect and dispose of it, creating a nexus between the services required as a result of these business' operation and real costs to the City of Oakland; and

**WHEREAS**, the City wants to encourage businesses to sell and use products that do not end up as litter on City streets; and

**WHEREAS**, The Oakland City Council has an explicit goal to "Maintain and Enhance Oakland's Physical Assets," and has adopted citywide goals of 75% landfill diversion by 2010; and

**WHEREAS**, It is accepted and common practice among cities throughout California, and in the City of Oakland itself, to adopt fees to defray added costs related to the practices or operations of certain businesses; now therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Excess Litter Fee**

**Section 1. PURPOSE**

The purpose of this ordinance is to create and maintain safe, clean and sanitary streets, sidewalks, and public spaces by assessing a fee on businesses of types known to generate particularly high amounts of disposable materials that end up as trash and litter on our streets. The fee will not only provide the resources to collect and dispose of such trash to keep our City clean, but will also prevent trash and litter from entering the City's storm water runoff system, and potentially polluting those waters and/or

hampering the proper performance of our system.

## **Section 2. FINDINGS.**

The City Council does hereby find and declare as follows:

- A. The expenses incurred by the City in collecting excess litter caused by certain businesses may be met by fees adopted by the City Council pursuant to the City's police powers;
- B. It is difficult, if not impossible, to trace individual pieces of litter to individual businesses, but it is possible to trace the litter to business or industry types;
- C. Eligible Businesses are specifically chosen because they are of the type of business commonly known to significantly rely on disposable products for the regular operation of their business. These are businesses that conduct most of their food service, or convenience store, activity on a walk in-walk out or drive in-drive out basis, relying on customers to collect and dispose of the trash and litter generated by the operation of their business. Fast food businesses, convenience markets, and gasoline station markets sell products that commonly result in litter on City streets;
- D. Litter originating from the Eligible Businesses constitute a nuisance, and the City seeks to control and abate the nuisance;
- E. The expenses incurred by the City in implementing an excess litter collection program are reasonable and necessary for the protection of the health and safety of the public;
- F. The schedule of fees prescribed in this chapter reasonably reflect the City's expenses in cleaning up excess litter caused by the businesses covered by this ordinance, and the fees are proportionate to the burdens caused by the businesses;
- G. The fees imposed will deter businesses from selling products that commonly result in litter on City streets and encourage the businesses to clean up litter resulting from products that they sell;
- H. The revenue generated by the fees will be used to clean up and mitigate the effects of litter caused by products sold by the businesses covered by this chapter; and
- I. An Eligible Business's gross receipts is a reasonable measure for a business's market share. That market share is a reasonable measure of the amount of excess litter that the business produces relative to other businesses.

### Section 3. DEFINITIONS

"Agency" means the City of Oakland's Finance and Management Agency.

"Convenience Market" means any business engaged in the retail sale of food, beverages, and small personal convenience items, primarily for immediate off-premises consumption and typically found in establishments with long or late hours of operation but excludes delicatessens and other specialty food shops and businesses, businesses that are engaged in Large-Scale Combined Retail and Grocery Sales Commercial Activities, as defined by Oakland Municipal Code Section 17.10.345, and businesses that have a sizeable assortment of fresh fruits and vegetables and fresh-cut meat. Three factors must be weighed in the determination of whether the items are sold for immediate off-premises consumption. These are:

- 1) manner of service of the food or beverage;
- 2) the packaging provided;
- 3) the condition of the food or beverage.

"Classification" means the category in which an eligible business is placed for the administration and collection of this fee. Classifications are "small business," "medium business," and "large business."

"Eligible Business" means any Fast Food Business, Liquor Store, Convenience Market, Gasoline Station Market or Specially Designated Business.

"Fast Food Business" means any business engaged in the retail sale of ready-to-eat prepared foods and beverages, for on- or off-premises consumption, whenever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates. Fast-Food Businesses may also exhibit other design and operating characteristics, including: (A) a limited menu; (B) food is typically ordered and served at a service counter; (C) food is paid for prior to consumption; (D) the facility in which the activity/use is occurring provides a take-out counter space and space for customer queuing. They also include certain activities accessory to the above, as specified in Section 17.10.040. In those areas of the city subject to the vehicular food vending pilot program ordinance, a business engaged in "vehicular food vending," as defined by Section 17.10.290, is not considered a Fast-Food Business.

"Gasoline Station Market" means any business engaged in the retail sale of food, beverages and small personal convenience items along with the retail sale of gasoline but excludes any business engaged in Large-Scale Combined Retail and Grocery Sales Commercial Activity, as defined in Oakland Municipal Code Section 17.10.345, and excludes wholesale clubs or other establishments selling primary bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee..

"Large business" means an eligible business with annual gross receipts totaling

\$1,000.00 or more.

"Liquor Store" means any business engaged in Alcoholic Beverage Sales Commercial Activity, as defined in Oakland Municipal Code Section 17.10.300, but excludes any business engaged in Large-Scale Combined Retail and Grocery Sales Commercial Activity, as defined in Oakland Municipal Code Section 17.10.345, and excludes wholesale clubs or other establishments selling primary bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee.

"Medium business" means an eligible business with annual gross receipts between \$500,000 and \$999,999.

"Person" means an individual, corporation, partnership, association, organization or similar entity.

"Small business" means an eligible business with annual gross receipts between \$5,000 and \$499,999.

"Specially designated business" shall mean a business so designated by the City Administrator upon a written determination that the business is generating litter causing an unusual burden upon city services.

Targeted Street." The City Councilmember for each City Council District and the City Administrator shall create annually a list of Targeted Streets for each City Council District. Targeted Streets shall be those streets and neighborhoods where clean up and disposal of litter will be the City's highest priority under this ordinance, so long as such clean up and disposal is consistent with Section 7 of this ordinance. However, a street or neighborhood not on the Targeted Street lists may receive the clean up or litter disposal supported by this ordinance.

#### **Section 4. ELIGIBLE BUSINESSES**

- A. All Eligible Businesses and their owners shall be responsible for paying the appropriate fee and be subject to any fines, penalties, or enforcement action taken as a result of their obligation to pay this fee

#### **Section 5. FEE STRUCTURE**

- A. To defray the cost to the City of Oakland taxpayers for picking up litter caused by the Eligible Businesses, such businesses shall be subject to a fee (the "Excess Litter Fee") as may be established by Ordinance by the City Council in its Master Fee Schedule.
- B. The fees shall bear a reasonable relationship to the business' burdens on city services. The fees shall be in amount necessary to carry out the regulatory purposes, including administrative costs, and provisions of this ordinance.



- C. The fees shall be administered to eligible businesses on a "sliding scale" system that will base the amount of fee owed to the City on the classification of the business.
- D. The City of Oakland's Revenue Division shall send a notice showing the classification for each eligible business, the information upon which the classification was based, and how much that eligible business owes. That notice shall include the amount owed, the due date, and inform the Eligible Business of its right to appeal under this Ordinance.
- E. Gross receipts shall not include the receipts for the sale of alcohol, gasoline or automotive services or products.

F. Eligible Businesses in Business Improvement Districts. Any Eligible Business that is current in paying its assessments to a business improvement district authorized by the City Council shall pay only 50 (fifty) percent of the fee for its classification. The City Administrator or his or her designee may further exempt any such Eligible Business for from the Excess Litter Fee if he or she determines that such Eligible Business or its respective business improvement district has a program to reduce litter originating from such Eligible Business and that the program actually decreases the burden of the corresponding either

(1) Such Eligible Business's respective business improvement district is not within 3 blocks of a Targeted Street, or

(2) If such Eligible Business's respective business improvement district is within 3 blocks of a Targeted Street, the Eligible Business or its respective business improvement district has an effective program to clean up litter originating from such Eligible Business on the Targeted Street.

## **Section 6. ADMINISTRATION**

- A. The provisions of this Chapter shall be administered and enforced by the Director of the Finance and Management Agency.
- B. Statement for Eligible Businesses.
- A. Every person who is an Eligible Business shall file annually, or at the Finance and Management Agency's request within thirty (30) days, a statement with the agency that includes information as shall be required by the agency to enable it to administer the provisions of this chapter, including whether the business is a "large business," "medium business," or "small business."
- B. The statement shall be on a form prescribed by the Finance and Management Agency and shall include a declaration substantially as follows:
- "I declare under penalty of perjury that to my knowledge all information contained in this statement is true and correct."

C. Declaration – Confidential documents.

Specific gross receipts figures filed by an Eligible Business pursuant to the provisions of this chapter shall be deemed confidential in character and shall not be subject to public inspection, and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this chapter or Chapter 5.04 of the Municipal Code.

- D. Fee Assessment: The fee assessment shall be paid by the Eligible Business within fifteen (15) days after receipt of an invoice from the Director of the Finance and Management Agency. The amount of fee shall be deemed a debt to the City of Oakland. An action may be commenced in the name of the City in any court of competent jurisdiction for the amount of any delinquent fees. An action to collect the fee must be commenced within three years of the date the fee becomes due. An action to collect the penalty for nonpayment of the fee must be commenced within three years of the date the penalty accrues. The amount of fee, penalty and interest imposed under the provisions of this chapter may be assessed against the business property on which the fee is imposed in those instances where the owner of the business and the business property are one and the same. If the fees are not paid when due, such fee, penalty and interest shall constitute an assessment against such business property and shall be a lien on the property for the amount thereof, which lien shall continue until the amount thereof including all penalties and interest are paid, or until it is discharged of record.

E. Examination of books, records, witnesses

The Director of Finance and Management or duly authorized agent or employee is authorized to examine the books, papers, and records of any person subject to this chapter for the purpose of verifying the accuracy of any declaration made, or if no declaration was made, to ascertain the fee due. Every person subject to the provisions of this chapter is directed and required to furnish to the Director of Finance and Management or duly authorized agent or employee, the means, facilities and opportunity for making such examination and investigations. The Director of Finance and Management or duly authorized agent or employee is authorized to examine a person under oath, for the purpose of verifying the accuracy of any declaration made, or if no declaration was made, to ascertain the fees due under this chapter. In order to ascertain the fees due under this chapter, the Director of Finance and Management may compel, by administrative subpoena, the production of relevant books, papers and records and the attendance of all persons as parties or witnesses.

The refusal to submit to such examination or production by any employer or person subject to the provisions of this chapter shall be deemed a violation of this chapter, and administrative subpoenas shall be enforced pursuant to applicable state law.

**Section 7. SPECIAL FUND.**

Excess Litter Fees and any corresponding penalties and interest shall be deposited into the Excess Litter Fee Fund. The fund, shall be expended solely for clean up and

disposal of litter in the neighborhoods of Eligible Businesses or caused by the Eligible Businesses and the administration of this program.

**Section 8. VIOLATIONS AND FINES**

- A. Failure to file any required declaration or to pay the fee owed as determined by the Finance and Management Agency in a timely manner shall constitute a violation of this Ordinance.
- B. Such a violation shall result in a fine or penalty, as stated in the Master Fee Schedule.
- C. Failure to pay the fine in a timely manner will result in an additional penalty, with interest.

**Section 9. APPEAL PROCESS**

- A. A hearing officer designated by the City Administrator will review any appeal and provide a written decision based on the facts of the case. The hearing officer may issue any orders or impose conditions consistent with the purposes of this ordinance, including, but not limited to, requiring periodic reports or reapplication for any reduction in fees. The determination of the hearing officer shall be final.
- B. Reduction in Fee. Any Eligible Business may file an appeal with the hearing officer to have the fee levied on the business reduced by demonstrating to the satisfaction of the hearing officer that either (1) the business is improperly classified; or (2) the business has a program to reduce litter originating from the business and that the program actually decreases the burden of the corresponding litter clean up or other cost to the City from litter originating from that business.
- C. The City Council may establish any appropriate fee for filing an appeal.
- D. All costs either directly or indirectly incurred by the agency, including but not limited to court costs, collection costs and handling charges, in collecting unpaid and delinquent accounts shall be owed by the responsible party or parties.

**Section 10. SEVERABILITY**

If any section, subsection, clause sentence, or phrase of the Ordinance is for any reasons held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Oakland hereby declares that it would have

passed this Ordinance, any section, subsection, sentence, clause or phrase thereof without said sections, subsections, sentences, clauses, or phrases.

**Section 11.**

This chapter shall be codified in the Oakland Municipal Code.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 21 2006, 20

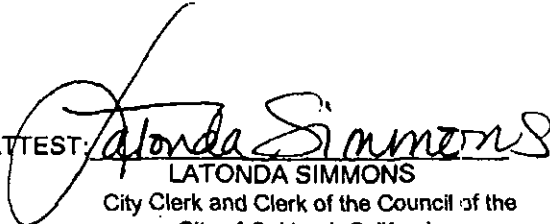
**PASSED BY THE FOLLOWING VOTE:**

AYES- ~~BROOKS~~, BRUNNER, CHANG, NADEL, QUAN, REID, KERNIGHAN and PRESIDENT DE LA FUENTE — 6

NOES- Brooks - 1

ABSENT- ∅

ABSTENTION- Nadel - 1

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California

Introduction Date: **FEB - 7 2006**

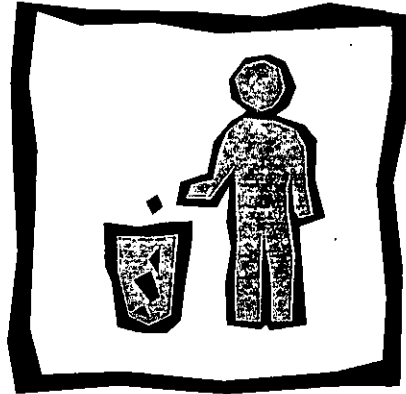
**ELIGIBLE BUSINESSES DEFINED: (ORD 12727)**

**CONVENIENCE MARKET** means any business engaged in the retail sale of food, beverages, and small personal convenience items, primarily for immediate off-premises consumption and typically found in establishments with long or late hours of operation but excludes delicatessens and other specialty food shops and businesses, businesses that are engaged in Large-Scale Combined Retail and Grocery sales Commercial Activities, as defined by Oakland Municipal code Section 17.10.345, and businesses that have a sizeable assortment of fresh fruits and vegetables and fresh-cut meat.

**FAST FOOD BUSINESS:** means any business engaged in the retail sale of ready-to-eat prepared foods and beverages, for on- or off-premises consumption, whenever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates. Fast-Food Businesses may also exhibit other design and operating characteristics, including: (a) a limited menu; (B) food is typically ordered and served at a service counter; (C) food is paid for prior to consumption; (D) the facility in which the activity/use is occurring provides a take-out counter space and space for customer queuing. They also include certain activities accessory to the above, as specified in Section 17.10.040. In those areas of the city subject to the vehicular food vending pilot program ordinance, a business engaged in "vehicular food vending," as defined by Section 17.10.290, is not considered a Fast Food Business.

**GASOLINE MARKET** means any business engaged in the retail sale of food, beverages and small personal convenience items along with the retail sale of gasoline but excludes any business engaged in Large-Scale Combined Retail and Grocery Sales Commercial Activity as defined in Oakland Municipal Code Section 17.10.345, and excludes wholesale clubs or other establishments selling primary bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee.

**LIQUOR STORE:** means any business engaged in Alcoholic Beverage Sales Commercial Activity, as defined in Oakland Municipal Code Section 17.10.300, but excludes any business engaged in Large-Scale Combined Retail and Grocery Sales Commercial Activity as defined in Oakland Municipal Code Section 17.10.345, and excludes wholesale clubs or other establishments selling primary bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee.



City of Oakland  
 Business Tax Section-EXCESS LITTER FEE  
 250 Frank H. Ogawa Plaza, Suite 1320  
 Oakland, CA 94612

Phone: 510-238-3360  
 Fax: 510-238-7128

City of Oakland



**Excess Litter Fee**

City of Oakland



City of Oakland

510-238-3360

## City Of Oakland Excess Litter Fee

### WHAT IS THE EXCESS LITTER FEE PROGRAM?

On February 21, 2006, The City of Oakland adopted Ordinance 12727, enacting an Excess Litter Fee on Fast Food Businesses, Convenience Markets, Gasoline Station Markets and Liquor Stores. The purpose of this ordinance is to create and maintain safe, clean and sanitary streets, sidewalks, and public spaces by assessing a fee on businesses known to generate particularly high amounts of disposable materials that end up as trash and litter on the streets. The fee will not only provide the resources to collect and dispose of such trash to keep our City clean, but will also prevent trash and litter from entering the City's storm water runoff system, and potentially polluting those waters and/or hampering the proper performance of our system.



### WHO IS REQUIRED TO FILE AND PAY

- Fast Food Businesses
- Convenience Markets
- Gasoline Station Markets
- Liquor Stores

Every eligible business must file an annual Excess Litter Fee declaration on or before August 31st of each year, providing gross receipts. Gross receipts do not include the receipts from the sale of alcohol, gasoline or automotive services or products. Eligible businesses in Business Improvement Districts (BID) that currently pay BID assessments are subject to only 50% of the litter fee. After receipt of the declaration, the City will send you a fee assessment invoice. Payment of fees must be made within 15 days of issue date. Vehicular food vendors are not subject to the fee.

### HOW MUCH AM I REQUIRED TO PAY?

The annual excess litter fees are based on the gross receipts of your business classification:

- Large Business with annual gross receipts of \$1,000,000 or more pay \$3,815.00.
- Medium business with annual gross receipts between \$500,000 and \$999,999 pay \$910.00.
- Small Business with annual gross receipts between \$5,000 and \$499,999 pay \$230.00.
- Annual gross receipts between \$0 and \$4,999 there is no fee.

Note: Gross receipts shall not include the receipts for the sale of alcohol, gasoline or automotive services or products.

### WHO IS ELIGIBLE FOR REDUCED FEES OR EXEMPTION?

Eligible businesses in Business Improvement Districts (i.e. Rockridge, Montclair and Fruitvale) that are currently paying assessments to a business improvement district shall pay only 50% (fifty) percent of the fee.

The City Administrator or her designee may **further exempt or reduce fee** any eligible business from the Excess Litter Fee if they determine that (OMC 12727, SEC 5F and/or SEC 9B):

1. Such eligible Businesses' respective Business Improvement District is not within 3 blocks of a Targeted Street or
2. If Eligible Businesses' respective Business Improvement District is within 3 blocks of a Targeted Street, and the business improvement district has an effective program to clean up litter originating from the eligible businesses on the Targeted Street.
3. The business has a program to reduce litter originating from the business and that the program actually decreases the burden of corresponding litter cleanup or other cost to the City from litter originating from that business.

### HOW DO I FILE AN APPEAL?

An owner of a business/business property assessed with Excess Litter Fees may appeal such assessment directly to a hearing officer designated by the City Administrator. Such appeal must be submitted by the due date of the City's notice. The appeal filing fee is \$67.50. The administrative fee will be refunded to you if your appeal is granted.

The Appeal must state and may only proceed if based upon at least one of the following: 1) Eligible Business (definition). 2) classification (small, medium or large). 3) further exemption. 4) Business has own litter cleanup program.

Upon receipt of your appeal form, declaration, and administrative appeal fee, the hearing officer will schedule a hearing and send you a written notice of the date. The hearing officer may issue any orders or imposed conditions consistent with the purposes of the Litter Fee Ordinance. The determination of the hearing office shall be final.

### WHAT IF I PAY LATE OR FAIL TO COMPLY?

Failure to pay the fee owed as determined by the Finance and Management Agency within 15 days of the invoice date is a violation of the ordinance. Such violation will result in a 10% to 50% penalty and interest will accrue at one percent per month until liability is paid.

Failure to complete the declaration and return it to the City in a timely manner, will result in a \$50.00 fee assessment.

*Note: If you need assistance in Spanish, Chinese or Vietnamese please call the Equal Access hotline at (510) 238-6812*

### City of Oakland

City of Oakland  
Business Tax Section-EXCESS LITTER FEE  
250 Frank H. Ogawa Plaza, Suite 1320  
Oakland, CA 94612

Phone: 510-238-3360  
Fax: 510-238-7128  
Email: Oaklandbusinesstax@oaklandnet.com

**ANTI-LITTER PROGRAM**  
OCTOBER 31, 2007 THRU SEPTEMBER 15, 2008

**BLOCK LOCATIONS (225)**

No. of Blocks	Street	Location	Council District
9 Blocks	Broadway St.	40th St. to College Ave.	1
1 Block	Whitmore Pl.	45th St. to Gilbert St.	1
8 Blocks	40th St.	Telegraph Ave. to Broadway St.	1
5 Blocks	42nd St.	Broadway to Manila Ave.	1
4 Blocks	Telegraph Ave.	45th St. to W. Macarthur Blvd.	1
3 Blocks	51st St.	Telegraph Ave. to Shafter Ave.	1
3 Blocks	45th St.	Telegraph Ave. to MLK Jr. Way	1
2 Blocks	42nd St.	Telegraph Ave. to MLK Jr. Way	1
3 Blocks	Shattuck Ave.	44 <sup>th</sup> St. to 47 <sup>th</sup> St.	1
<b>35</b>			
4 Blocks	Park Blvd.	8th Ave. to Macarthur Blvd.	2
2 Blocks	E. 34th St.	Park Blvd. to 13th Ave.	2
1 Block	E. 33rd St.	Park Blvd. to first hairpin turn	2
6 Blocks	13th Ave.	E. 28th St. to Chatham Rd.	2
4 Blocks	E. 18 <sup>th</sup> St.	5 <sup>th</sup> Ave. to Lakeshore Ave	2
2 Blocks	Park Blvd.	E. 17 <sup>th</sup> St. to FM Smith	2
4 Blocks	International Blvd	5 <sup>th</sup> Ave to 10 <sup>th</sup> Ave	4
4 Blocks	E. 12 <sup>th</sup> Street	5 <sup>th</sup> Ave to 10 <sup>th</sup> Ave	4
1 Block	E. 17 <sup>th</sup> St	22nd Ave to 23rd Ave.	2
1 Block	E. 19 <sup>th</sup> St	22nd Ave to 23rd Ave.	2
5 Blocks	22nd Ave.	International Blvd. to 19 <sup>th</sup> St	2
<b>34</b>			
3 Blocks	26th St.	Chestnut St. to Market St.	3
2 Blocks	Chestnut St.	26th St. to 28th St.	3
1 Block	Harrison St.	Hamilton Pl to 27 <sup>th</sup> St	3
3 Blocks	28th St.	Chestnut St. to Myrtle St.	3
2 Blocks	Myrtle St.	28th St. to 26th St.	3
2 Blocks	Grand Ave.	Bellevue Ave to Perkins Ave	3
2 Blocks	W. Grand Ave.	Telegraph Ave to MLK	3
1 Block	W. Grand Ave.	Market St to Isabella St	3
3 Blocks	Market St.	7 <sup>th</sup> to 10 <sup>th</sup> St.	3
4 Blocks	E. 12th St.	19th Ave. to 23rd Ave.	3
<b>23</b>			
7 Blocks	Macarthur Blvd.	Lincoln Ave to Laurel Ave	4
4 Blocks	Macarthur Blvd.	Canon Ave to Lincoln Ave	4
4 Blocks	Fruitvale Ave.	580 Freeway to Coloma St	4
10 Blocks	Foothill Blvd.	47 <sup>th</sup> Ave to Cole St	4
2 Blocks	Coolidge Ave.	Macarthur Blvd. to Madeline St	4

**ANTI-LITTER PROGRAM**  
**OCTOBER 31, 2007 THRU SEPTEMBER 15, 2008**

7 Blocks	International Blvd.	24th Ave to 31st Ave	5
3 Blocks	23rd Ave.	International Blvd. to E. 19 <sup>th</sup> St.	5
1 Block	Miller Ave	E. 12th to International Blvd	5
1 Block	E. 15 <sup>th</sup> St	Miller Ave to 23rd Ave.	5
1 Block	38 <sup>th</sup> Ave	International Blvd. to E. 12th St.	5
5 Blocks	Park Blvd.	Excelsior Ave. to 8th Ave.	5
4 Blocks	Macarthur Blvd.	Alma Ave. to Beaumont Ave.	5
<b>22</b>			
5 Blocks	High St.	International to San Leandro St.	6
6 Blocks	Foothill Blvd.	41st Ave to 47th Ave.	6
2 Blocks	47th Ave.	Foothill Blvd. to Bancroft Ave.	6
3 Blocks	46th Ave	International Blvd to Foothill Blvd.	6
2 Blocks	Bancroft Ave.	46th Ave to 48th Ave	6
3 Blocks	Foothill Blvd.	62nd Ave. to 65th Ave	6
3 Blocks	64th Ave.	Foothill Blvd. to Camden St	6
2 Blocks	Camden St	62nd Ave. to 64th Ave.	6
3 Blocks	62nd Ave.	Camden St to Bancroft Ave.	6
1 Block	63rd Ave.	Foothill Blvd. to Bancroft Ave.	6
5 Blocks	International Blvd.	64th Ave. to 69th Ave.	6
2 Blocks	69th Ave.	International Blvd. to Hamilton St.	6
1 Block	Hamilton St.	69th Ave. to 77th Ave	6
2 Blocks	73rd Ave.	Bancroft Ave. to Macarthur Blvd.	6
9 Blocks	Foothill Blvd.	64th Ave. to 73rd Ave	6
1 Block	Church St.	Foothill Blvd. to Bancroft Ave.	6
2 Blocks	52nd Ave.	E. 12th St. to International Blvd.	6
2 Blocks	International Blvd.	52nd Ave. to 54th Ave.	6
2 Blocks	E. 12th St.	51st Ave to 53rd Ave	6
<b>56</b>			
4 Blocks	105th Ave.	Edes Av to Topanga Dr.	7
1 Block	Edes Av	105th Ave. to Capistrano Dr.	7
1 Block	Alcalanes	105th Ave. to Capistrano Dr.	7
7 Blocks	98th Ave.	International Blvd. to Bancroft Ave.	7
2 Blocks	Birch St.	98th Ave. to 99th Ave.	7
1 Block	99th Ave.	Birch St. to Plymouth St.	7
1 Block	Plymouth St.	98th Ave. to 99th Ave.	7
5 Blocks	Macarthur Blvd.	81st to 88th Ave.	7
1 Block	84th Ave.	Macarthur Blvd. to Iris St.	7
5 Blocks	82nd Ave.	Macarthur Blvd. to Bancroft Ave.	7

**225 Total**

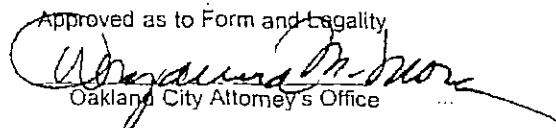


Revised

Modification Proposed by Councilmember Jane  
Brunner at City Council meeting of June 20, 2006

05 001 - 01 17: 03

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 79999 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR EXECUTE A TWO YEAR AGREEMENT WITH YOUTH EMPLOYMENT PARTNERSHIP, INC. (YEP) TO IMPLEMENT THE TEAM OAKLAND PROGRAM AND FOR CITY BEAUTIFICATION SERVICES IN AN AMOUNT NOT-TO-EXCEED \$498,000.00, OR \$249,000.00 IN EACH YEAR OF THE AGREEMENT, AND AUTHORIZING THE CITY ADMINISTRATOR TO ADD CLEAN UP SERVICES AND INCREASE THE CONTRACT BY AN ADDITIONAL AMOUNT NOT-TO-EXCEED \$235,000.00 PER YEAR OVER THE TERM OF THE AGREEMENT NEEDED TO CARRY OUT THE ANTI-LITTER PROGRAM.

**WHEREAS**, the Team Oakland Program is a citywide employment and environmental education opportunity program that provides for the training and education of youth and beautification services for the City that is managed by the Public Works Agency; and

**WHEREAS**, Proposals to implement the program were solicited from over 40 business and trade organizations and Youth Employment Partnership, Inc. submitted the only response; and

**WHEREAS**, for the reasons stated in the City Administrator's report accompanying this legislation, Youth Employment Partnership, Inc. is well qualified for the work; and

**WHEREAS**, teams of youth will work on a variety of environmental projects, including urban gardening and landscaping, creek restoration, litter and graffiti abatement and removal, murals and other environmental projects; and

**WHEREAS**, the Office of Contract Compliance has determined that youth employees of YEP Inc. are exempt from the Living Wage Ordinance under Oakland Municipal Code Section 2.28.090 because they are trainees; and

**WHEREAS**, the YEP Inc. meets the Local Business Enterprise (LBE) requirements and complies with the Equal Benefits Ordinance (EBO); and

**WHEREAS**, the City may implement the Anti-Litter Program during the term of this agreement and the City Council wishes to authorize the City Administrator to add the work and costs to this contract in order to expedite implementation of the program; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

**Revised**  
**Modification Proposed by Councilmember Jane**  
**Brunner at City Council meeting of June 20, 2006**

**WHEREAS**, the total Team Oakland program is funded from residential and commercial garbage fees collected through the Comprehensive Clean-up Fund 1720, Organization 30674 (Illegal Dumping Unit), Cost Center NB35, Project P35510; and

**WHEREAS**, the agreement will be for a two - year period; now, therefore be it

**RESOLVED:** That the City Administrator is hereby authorized to negotiate and enter into a two-year agreement with the Youth Employment Partnership, Inc. for implementation of the Team Oakland Program and beautification services for the City in an amount not to exceed four hundred ninety eight thousand dollars and no cents (\$498,000.00) or two hundred forty nine thousand dollars and no cents (\$249,000.00) in each year of the agreement; and, be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to add services to YEP's contract needed to carry out the Anti-Litter Program if the program is adopted by the City Council during the term of YEP's agreement, and to increase the contract by an additional amount not-to-exceed two hundred thirty five thousand dollars (\$235,000.00) per year over the term of the agreement to pay for the anti-litter services; and, be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to approve any subsequent amendments to, or extensions of, said agreement except for those involving an increase in contract price; and, be it

**FURTHER RESOLVED:** That the agreement and amendments or extensions are subject to the review and approval of the City Attorney for form and legality and shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

**JUN 27 2006**

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID,  
CHANG, AND PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST

  
LATONDA SIMMONS

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

Anti Litter Program  
Statistics

Attachment E

Bags of Trash Council District	2006			2007								2008								Total
	Oct.	Nov.	Dec.	Jan.	Feb	March	April	May	June	July*	Aug*	Sept/Oct	Nov	Dec	Jan	Feb	March	April	May	
7	73	43	30	64	45	71	102	95	90	1796	891						12	15	50	3,377
6	122	77	28	66	51	85	118	94	91	734	542						15	18	12	2,053
5	154	156	58	71	51	76	111	92	89	1351	348						27	24	21	2,629
4	114	184	47	51	42	81	99	96	96	464	301		12	57	44	55	72	70	72	1,957
3	68	45	38	61	56	92	105	101	99	2199	959		65	69	49	79	95	92	105	4,377
2	89	79	47	88	76	99	102	96	92	577	330		52		85	90	94	86	99	2,181
1	72	9	20	33	35	86	94	91	90	1240	726			74	91	92	96	88	102	3,039
Total	692	593	268	434	356	590	731	665	647	8361	4097		129	200	269	316	411	393	461	19,613
# Participants	28	20	20	21	22	21	21	19	18	135	118		7	9	12	13	16	14	14	
# Hours Worked	649	454	289	413	369	668	795	630	605	8141	4102		155	234	306	334	418	380	512	19,454

\* July and August 2007 statistics include Team Oakland