

CITY OF OAKLAND
AGENDA REPORT

2010 MAR -4 PM 2: 54

TO: Office of the City Administrator
ATTN: Dan Lindheim, City Administrator
FROM: Finance and Management Agency
DATE: March 16, 2010

RE: **Public Hearing on the Assessment of Liens for Delinquent Real Property
Transfer Taxes**

SUMMARY

Pursuant to Chapter 4.20 of the Oakland Municipal Code, property transfers within the City are subject to a Real Property Transfer Tax. The Tax is due and payable at the time the deed instrument is delivered, and is delinquent if unpaid at time of recordation. Administrative hearings for delinquent Real Property Transfer Taxes were held on December 14, 2009 and on February 1, 2010 to hear protests and resolve any inconsistencies or inequities raised by property owners regarding the non-payment of Real Property Transfer Taxes. Following the administrative hearings, the City notified property owners of its intent to record a lien against their property should they fail to pay delinquent taxes due the City.

A public hearing has been scheduled for March 16, 2010, and a resolution has been prepared confirming the placement of liens on twenty-five properties and authorizing the subsequent assessment for all fees and charges, should the liens remain unpaid at the time of the City's submission to the County Assessor.

FISCAL IMPACT

Property owners owe the City delinquent Real Property Transfer Taxes and administrative fees for the accounts not resolved at the December 14, 2009 and February 1, 2010 administrative hearings as shown in the attached list. If the City fails to place a lien to recover the delinquent taxes, the General Fund would lose estimated revenue totaling \$218,215 and administrative fees totaling \$1,250, creating a grand total of \$219,415 for this period.

BACKGROUND

Administrative hearings for delinquent Real Property Transfer Taxes were held on December 14, 2009 and on February 1, 2010 to hear protests and resolve any inconsistencies or inequities raised by property owners regarding the non-payment of Real Property Transfer Taxes.

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Following the administrative hearings, the Finance Director filed with the City Administrator a written notice of those persons on whom the City will file liens for unpaid taxes, penalties, interest and other charges. If these amounts remain unpaid or unresolved after a public hearing by the City Council, the City Council shall authorize by resolution the recordation of liens on the subject properties for costs incurred for delinquent real property transfer taxes, added administrative, and assessment charges. The delinquent charges and assessments shall constitute a special assessment against said property, and shall be collected at such time as is established by the County Assessor for inclusion in the next property tax assessment.

The Public Hearing is scheduled for March 16, 2010. A resolution has been prepared confirming the placement of liens on twenty-five properties and authorizing the subsequent assessment for all fees and charges.

KEY ISSUES AND IMPACTS

Property owners owe the City delinquent Real Property Transfer Taxes and administrative fees for the accounts not resolved at the December 14, 2009 and February 1, 2010 administrative hearings as shown in the attached list. If the City fails to place a lien to recover the delinquent taxes, the General Fund would lose estimated revenue totaling \$218,215 and administrative fees totaling \$1,250, creating a grand total of \$219,465 for this period.

POLICY DESCRIPTION

Pursuant to Chapter 4.20 of the Oakland Municipal Code, an administrative hearing for delinquent Real Property Transfer Taxes is held to hear protests and resolve any inconsistencies or inequities raised by property owners prior to the public hearing before City Council.

SUSTAINABLE OPPORTUNITIES

Collections of delinquent Real Property Transfer Taxes have major economic and social equity implications for the City's sustainability. The 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.

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RECOMMENDATION AND RATIONALE

Staff recommends that the City Council pass the resolution confirming the placement of liens on all unpaid real property transfer accounts and authorize the subsequent assessment for all fees and charges should they remain unpaid prior to the transfer of said assessment to the County Assessor for inclusion on the next property tax assessment.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council approve the placement of liens on all unpaid real property transfer tax accounts and authorize the subsequent assessment for all fees and charges should they remain unpaid prior to the transfer of said assessment to the County Assessor for inclusion on the next property tax assessment.

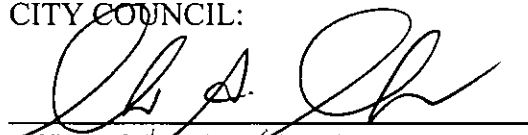
Respectfully submitted,



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

Prepared by:
Phillip Lim, Acting Revenue Manager
Revenue Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the City Administrator

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R.P.T.T. CITY COUNCIL HEARING LISTING FOR 3/16/2010

DEBTOR NAME	PROPERTY ADDRESS	PARCEL #	Recording #	Invoice	AMOUNT	Admn. Fee	Total
WATHEN-PANOS II, LLC	4401 SAN LEANDRO ST	34-2265-4-4	2006-470633	R137145	\$44,697	\$50	\$44,747
ROCHELLE L. ALLEN	3001 MORCOM AVE	36-2495-11	2007-218652	R137166	\$13,938	\$50	\$13,988
LIQUIDATION PROPERTIES INC	2320 21ST AVE	22-326-17-2	2009-256601	R137168	\$4,699	\$50	\$4,749
PIERRE FRANCOIS	3321 CHESTNUT ST	5-472-10	2007-219460	R137165	\$4,868	\$50	\$4,918
KATHLEEN VAUGHN, TR	6152 BAKER ST	16-1441-12	2009-245909	R137143	\$3,074	\$50	\$3,124
THE OLD TRUST	655 12TH ST #207	2-21-46	2007-175408	R137147	\$9,522	\$50	\$9,572
KENAN DELGADO	2925 BONA ST	27-852-18	2009-269074	R137177	\$616	\$50	\$666
GARY DELGADO & MARCIA HENRY	2925 BONA ST	27-852-18	2008-114248	R137175	\$532	\$50	\$582
RANDALL CHUONG	869 MACARTHUR BLVD	23-465-2	2008-308550	R137221	\$4,823	\$50	\$4,873
RATH YIN	5895 SKYLINE BLVD	48H-7505-9	2006-445130	R137218	\$12,822	\$50	\$12,872
LEO RAYMOND STEGMAN, III	557 43RD ST.	13-1096-52-5	2009-310343	R137217	\$5,349	\$50	\$5,399
LEO RAYMOND STEGMAN, III	3242 MAGNOLIA ST	5-473-30	2009-307284	R137213	\$4,709	\$50	\$4,759
RYAN LU	1800 E 21ST ST	21-289-14	2009-290411	R137210	\$2,073	\$50	\$2,123
ALVIN J. MCGEE	2241 96TH AVE.	46-5474-16	2008-308132	R137209	\$2,190	\$50	\$2,240
LUTHER T & CANDICE M JESSIE	2936 22ND AVE	26-788-19	2008-058502	R137204	\$13,775	\$50	\$13,825
GARRY L. MCGEE	2241 96TH AVE.	46-5474-16	2008-091847	R137208	\$4,776	\$50	\$4,826
GARRY L. MCGEE	536 LA PRENDA DR	45-5386-16	2006-444773	R137199	\$3,324	\$50	\$3,374
GARRY L. MCGEE & ANITA CROCKETT	536 LA PRENDA DR	45-5386-16	2007-312013	R137200	\$2,674	\$50	\$2,724
GARRY L. MCGEE & ANITA CROCKETT	536 LA PRENDA DR	45-5386-16	2008-308131	R137201	\$10,841	\$50	\$10,891
GARRY L. MCGEE & JESSIE BLOCK	10801 ACALANES DR.	45-5398-1	2006-444772	R137202	\$5,532	\$50	\$5,582
ROYCE TOOKER & SARAH JIMINEZ	1051 59TH ST	15-1335-26	2006-444581	R137198	\$6,428	\$50	\$6,478
LAURA BUENROSTRO	1686 69TH AVE	39-3315-23	2007-119674	R137189	\$2,641	\$50	\$2,691
BRICK TOWN PROPERTY GROUP, LLC	579 18TH ST	3-63-4	2009-204011	R137187	\$12,473	\$50	\$12,523
SUSIE E. BIRDEN-BROWN	5667 GASKILL ST.	15-1306-2	2006-401154	R137181	\$3,259	\$50	\$3,309
VIET KHOI	2555 FOOTHILL BLVD.	25-734-30	2007-310735	R137151	\$38,580	\$50	\$38,630
					\$ 218,215	\$1,250	\$219,465

DRAFT

Approved as to Form and Legality

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

City Attorney

2010 MAR -4 PM 2:54 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 REAL PROPERTY TRANSFER TAXES AND CONFIRMING THE RECORDATION OF LIENS WITH ADMINISTRATIVE AND ASSESSMENT CHARGES AS NECESSARY – PURSUANT TO CHAPTER 4.20 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 4.20, of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 16th day of March 2010, the reports concerning the costs incurred for delinquent real property transfer taxes and recordation of liens with added administrative charges and assessment charges on hereinafter described real property; and

WHEREAS, March 16, 2010, 7:00p.m., was fixed as the day and hour for the Council to hear and accept 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 real property transfer taxes, and any other interested persons; and

WHEREAS, no protest were made at said hearing; now, therefore be it

RESOLVED: That the reports that the City Administrator filed with the City Clerk on the 16th day of March 2010, concerning delinquent real property transfer taxes, the recordation of liens with administrative charges for the real property described therein 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 real property transfer taxes, 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, 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, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

DRAFT

Approved as to Form and Legality

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

City Attorney

2010 MAR -4 PM 2:34 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

**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 REAL PROPERTY TRANSFER TAXES
AND AUTHORIZING THE RECORDATION OF LIENS WITH
ADMINISTRATIVE AND ASSESSMENT CHARGES AS NECESSARY –
PURSUANT TO CHAPTER 4.20 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 4.20, of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 16th day of March 2010, the reports concerning the costs incurred for delinquent real property transfer taxes and recordation of liens with added administrative charges and assessment charges on the hereinafter described real property; and

WHEREAS, March 16, 2010, 7:00 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 real property transfer taxes, and any other interested person; now therefore be it

RESOLVED: That the protests are hereby overruled; and be it

FURTHER RESOLVED: That the reports that the City Administrator filed with the City Clerk on the 16th day of March 2010, concerning delinquent real property transfer taxes, 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 real property transfer taxes, 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 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, QUAN, REID, 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

City Attorney

RESOLUTION No. _____ C.M.S.
2010 MAR -4 PM 2:54
Introduced by Councilmember _____

RESOLUTION CONTINUING HEARING OF THE REPORTS OF THE CITY ADMINISTRATOR ON DELINQUENT REAL PROPERTY TRANSFER TAXES AND THE RECORDATION OF LIENS WITH ADMINISTRATIVE AND ASSESSMENT CHARGES AS NECESSARY—PURSUANT TO CHAPTER 4.20 OF THE OAKLAND MUNICIPAL CODE

RESOLVED: That the hearing of the reports of the City Administrator on the delinquent real property transfer taxes and recordation of the liens with added administrative charges that was duly noticed and held on the on the 16th day of March 2010, 7:00 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, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

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