

CITY OF OAKLAND OFFICE OF THE CITY CLERK
AGENDA REPORT

2005 DEC 22 AM 8:57

TO: Office of the City Administrator
ATTENTION: Deborah A. Edgerly
FROM: Finance and Management Agency
DATE: January 3, 2006

SUBJECT: **Public Hearing on Delinquent Mandatory Garbage Fees for
Apr/May/Jun 2005, Monthly Accounts and Jul/Aug/Sep 2005,
Quarterly Accounts**

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 10th 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 November 15, 2005, 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, three cases were resolved and removed from the list of delinquent properties. A resolution has been prepared confirming the placement of liens on 6,765 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 \$935,108, which represents monthly charges for April through June 2005, and quarterly charges for July through September 2005. The bill is due and payable after the public hearing proceedings. Property owners owe the City delinquent garbage charges and administrative fees totaling \$1,285,274 for this period. The City will transfer these charges to the Alameda County Tax Roll to avoid the \$935,108 charge to the General Fund and recover the \$350,166 administrative fees. This revenue was anticipated and adopted in the FY2005-07 Policy Budget.

Item: **14.3**
Council Meeting
January 3, 2006

BACKGROUND

The public hearing represents monthly billings for April through June 2005 and quarterly billings for July through September 2005.

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

None

DISABILITY AND SENIOR CITIZEN ACCESS

None

RECOMMENDATION AND RATIONALE

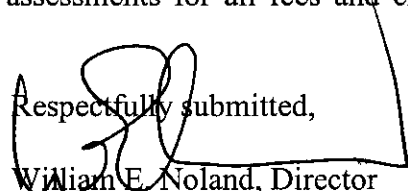
Staff recommends that the City Council approve the resolution confirming the placement of liens on all unpaid accounts and authorize the subsequent assessments for all fees and charges should they remain unpaid as of August 10, 2006.

Item:
Council Meeting
January 3, 2006

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,


William E. Noland, Director
Finance and Management Agency

Prepared by:
Terry Adelman,
Revenue Manager

APPROVED FOR FORWARDING

TO THE CITY COUNCIL:


OFFICE OF THE CITY ADMINISTRATOR

Item: **14.3**
Council Meeting
January 3, 2006

Kathleen Salen
CITY ATTORNEY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2005 DEC 22 AM 8:57 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

-oOo-

WHEREAS, pursuant to Chapter 8.28, of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 3rd day of January 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, January 3, 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 3rd of January 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 the same is 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

14.3-1

OAKLAND CITY COUNCIL

JAN 03 2006

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-

14.3-1
ORA/COUNCIL
JAN 03 2006

ATTEST: _____

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

Kathleen Helen Boyd

CITY ATTORNEY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2005 DEC 22 AM 8:37 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

-oOo-

WHEREAS, pursuant to Chapter 8.28, of the Oakland Municipal Code, the City Administrator filed with the City Clerk on the 3rd day of January 2006, her reports concerning the costs incurred for delinquent garbage service and recordation of liens with added administrative charges and assessment charges on the thereafter described real property; and

WHEREAS, January 3, 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 3rd day of January 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

14.3-2

ORA/COUNCIL

JAN 03 2006

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-

14.3-2
CORPORATION
JAN 03 2006

ATTEST: _____

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

Kathleen Helen Boyd
CITY ATTORNEY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2005 DEC 22 AM 8:58 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 3rd day of January 2006, at the hour 7:01 p.m., is hereby continued for further hearing on the day of _____ in the City Hall, One City Hall 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-

14.3-3
DRA/COUNCIL

JAN 03 2006

ATTEST: _____

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

