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OFFICE OF THE CITY CLERK
OAKLAND

2016 JUN 29 PM 6:25:28

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Margaret O'Brien
Interim Revenue & Tax
Administrator

SUBJECT: Delinquent Garbage Fees

DATE: May 3, 2016

City Administrator Approval

Date: June 21, 2016

6/9/16

RECOMMENDATION

Staff Recommends That The City Council Adopt The Resolution Accepting And Confirming Reports Of The City Administrator For Delinquent Garbage Fees And Special Assessment Charges As Necessary Pursuant To Chapter 8.28 Of The Oakland Municipal Code, And Directing The Notice Of Special Assessment Charges Be Turned Over To The County Tax Collector For Collection.

EXECUTIVE SUMMARY

Adoption of this resolution will authorize the subsequent special assessment for all fees and charges should they remain unpaid prior to the transfer of said special assessment to the County Assessor for inclusion on the next property tax roll.

BACKGROUND / LEGISLATIVE HISTORY

On May 3, 2016 pursuant to Chapter 8.28.210 of the Oakland Municipal Code, an administrative hearing was held to hear protests and resolve any inconsistencies or inequities prior to this public hearing before the City Council. Each affected property owner was notified of the administrative hearing.

Eight (8) cases were resolved and removed from the list of 10,538 delinquent periods. A resolution has been prepared confirming and authorizing the special subsequent assessment for all fees and charges, should they remain unpaid at the time of submission to the County Assessor.

Pursuant to Chapter 8.28.210 of the Oakland Municipal Code, administrative hearings were held on May 3, 2016 to hear protests and resolve any inconsistencies or inequities regarding the delinquent mandatory garbage fees prior to the June 21, 2016 public hearing before the City Council.

Item: _____
City Council
June 21, 2016

ANALYSIS AND POLICY ALTERNATIVES

Waste Management of Alameda County forwarded the City \$3,519,491.72 for the October through December 2015 and January through March 2016 quarterly service periods and October, November and December monthly service periods. Property owners owe Waste Management delinquent garbage service charges totaling \$2,467,044.10 and City administrative fees totaling \$1,052,447.62 for these service periods. The City will transfer all unpaid charges and fees to the Alameda County Tax Roll, and payments received through the County Tax Roll will be deposited in the City's Mandatory Garbage Fund (1700).

The service charge amounts received through the County Tax Roll and deposited to the City's Mandatory Garbage Fund (1700) will then be forwarded to Waste Management of Alameda County beginning with the October – December 2015 quarterly and the October 2015 monthly service periods and for all subsequent delinquent quarterly and monthly service periods.

FISCAL IMPACT

If the City fails to collect the administrative fees, the City's Mandatory Garbage Fund (1700) may potentially lose a grand total of \$1,052,447.62 for these service periods.

PUBLIC OUTREACH / INTEREST

Administrative hearings for delinquent real property transfer taxes were held on May 3, 2016 to hear protests and resolve any inconsistencies or inequities raised by property owners regarding the non-payment of delinquent garbage charges.

COORDINATION

In coordination with the Office of the City Attorney and the Controller's Bureau, the agenda report, resolutions, and supporting items attached to this report have been reviewed and/or approved for form, legality and fiscal implications.

SUSTAINABLE OPPORTUNITIES

Economic: Collections of delinquent garbage charges have major economic implications for the City's sustainability. The revenue source is relied upon to fund essential City services.

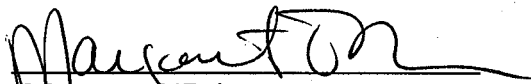
Environmental: There are no environmental opportunities resulting from the recordation of liens.

Social Equity: Collections of delinquent garbage charges have significant social equity implications for the City's sustainability. The revenue source is relied upon to fund essential City services to all citizens and taxpayers.

ACTION REQUESTED OF THE CITY COUNCIL

For questions regarding this report, please contact Margaret O'Brien, Interim Revenue and Tax Administrator at (510) 238-7480.

Respectfully submitted,

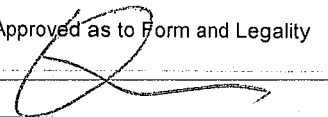


Margaret O'Brien
Interim Revenue and Tax Administrator
Revenue Management Bureau

FILED
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OAKLAND

Approved as to Form and Legality

OAKLAND CITY COUNCIL



City Attorney

2016 JUN -9 PM 6:28

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION ACCEPTING AND CONFIRMING REPORTS OF THE CITY ADMINISTRATOR FOR DELINQUENT GARGAGE SERVICE FEES WITH ADMINISTRATIVE AND SPECIAL ASSESSMENT CHARGES AS NECESSARY PURSUANT TO CHAPTER 8.28 OF THE OAKLAND MUNICIPAL CODE, AND DIRECTING THE NOTICE OF SPECIAL ASSESSMENT CHARGES BE TURNED OVER TO THE COUNTY TAX COLLECTOR FOR COLLECTION

WHEREAS, pursuant to Chapter 8.28 of the Oakland Municipal Code, the City Administrator filed with the City Clerk on **June 21, 2016** reports concerning delinquent garbage service fees with added administrative and special assessment charges on hereinafter described real property; and

WHEREAS, the date **June 21, 2016**, and the time **6:30 p.m.**, was fixed as the day and hour for the Council to hear any protests by property owners or other interested persons regarding delinquent charges for garbage services rendered, and to hear and accept the reports of the City Administrator; and

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

RESOLVED, that the reports which the City Administrator filed with the City Clerk on **June 21, 2016** concerning delinquent garbage service fees with administrative and special assessment charges for the real property described in the reports of the City Administrator attached hereto, be and are hereby accepted and confirmed, and assessments are hereby authorized to be levied upon the properties described in the attached reports in the amount set opposite each description for costs incurred for delinquent garbage service fees, added administrative and special assessment charges; and be it

FURTHER RESOLVED, that if any special assessment levied on a property is not paid before the 10th day of August 2016; 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 2016-2017 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON McELHANEY

ABSENT -

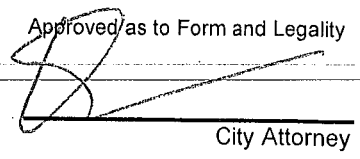
ABSTENTION -

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

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OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2016 JUN -9 PM RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION CONTINUING HEARING OF THE REPORTS OF THE CITY ADMINISTRATOR ON DELINQUENT GARBAGE SERVICE FEES WITH ADMINISTRATIVE AND SPECIAL ASSESSMENT CHARGES AS NECESSARY PURSUANT TO CHAPTER 8.28 OF THE OAKLAND MUNICIPAL CODE

RESOLVED, that the hearing of the reports of the City Administrator on delinquent garbage service fees with added administrative and special assessment charges that was duly noticed and held on June 21, 2016 at 6:30 p.m., is hereby continued for further hearing on the day of _____ in City Hall, One Frank H. Ogawa Plaza, Council Chambers, Oakland, California.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

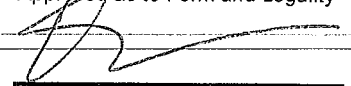
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON McELHANEY

ABSENT -

ABSTENTION -

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

OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION OVERRULING PROTESTS AND OBJECTIONS AND ACCEPTING AND CONFIRMING REPORTS OF THE CITY ADMINISTRATOR FOR DELINQUENT GARBAGE SERVICE FEES WITH ADMINISTRATIVE AND SPECIAL ASSESSMENT CHARGES AS NECESSARY PURSUANT TO CHAPTER 8.28 OF THE OAKLAND MUNICIPAL CODE, AND DIRECTING THE NOTICE OF SPECIAL ASSESSMENT CHARGES BE TURNED OVER TO THE COUNTY TAX COLLECTOR FOR COLLECTION

WHEREAS, pursuant to Chapter 8.28 of the Oakland Municipal Code, the City Administrator filed with the City Clerk on June 21, 2016 reports concerning delinquent garbage service fees with added administrative and special assessment charges on hereinafter described real property; and

WHEREAS, the date June 21, 2016 and the time 6:30 p.m., was fixed as the day and hour for the Council to hear any protests by property owners or other interested persons regarding delinquent charges for garbage services rendered, and to hear and accept the reports of the City Administrator; now, therefore be it

RESOLVED, that the protests are hereby overruled; and be it

FURTHER RESOLVED, that the reports the City Administrator filed with the City Clerk on June 21, 2016 concerning delinquent garbage service fees with administrative and special assessment charges for the real property described in the reports of the City Administrator attached hereto, be and are hereby accepted and confirmed, and the special assessments are hereby authorized to the properties described in the attached reports, in the amounts set opposite each description for delinquent garbage service fees, added administrative and special assessment charges; and be it

FURTHER RESOLVED, that if any special assessment levied on a property that is not paid before the 10th day of August 2016, 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 2016-2017 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON McELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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