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OFFICE OF THE CITY CLERK  
OAKLAND

2014 JUN -5 PM 2:08

# AGENDA REPORT

**TO:** FRED BLACKWELL,  
CITY ADMINISTRATOR

**FROM:** David McPherson

**SUBJECT:** Delinquent Real Property Transfer Taxes      **DATE:** May 8, 2014

City Administrator  
Approval

Date

5/20/14

**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Staff recommends that the City Council adopt the 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.

## OUTCOME

Administrative hearings for delinquent real property transfer taxes were held on February 3, 2013, March 3, 2014, April 7, 2014 and May 5, 2014 to hear protests and resolve any inconsistencies or inequities raised by property owners regarding the non-payment of real property transfer taxes. A resolution has been prepared confirming the placement of liens on seven (7) properties and authorizing the subsequent assessment for all fees and charges.

Staff requests that the City Council approves 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.

Item: \_\_\_\_\_  
City Council  
June 17, 2014

## **BACKGROUND/LEGISLATIVE HISTORY**

Pursuant to Chapter 4.20 of the Oakland Municipal Code, administrative hearings for delinquent real property transfer taxes were held on February 3, 2013, March 3, 2014, April 7, 2014 and May 5, 2014 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 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 property(ies) 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 June 17, 2014. A resolution has been prepared confirming the placement of liens on seven (7) properties and authorizing the subsequent assessment for all fees and charges.

## **ANALYSIS**

Property owners owe the City delinquent real property transfer taxes and administrative fees for the accounts not resolved at the February 3, 2013, March 3, 2014, April 7, 2014 and May 5, 2014 administrative hearings as shown in the *attached list*. If the City fails to place a lien to recover the delinquent taxes, the General Purpose Fund may potentially lose estimated revenue totaling \$2,155,312 and administrative fees totaling \$350, creating a grand total of \$2,155,662 for this period.

## **PUBLIC OUTREACH/INTEREST**

Administrative hearings for delinquent real property transfer taxes were held February 3, 2013, March 3, 2014, April 7, 2014 and May 5, 2014 to hear protests and resolve any inconsistencies or inequities raised by property owners regarding the non-payment of real property transfer taxes.

## **COORDINATION**

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

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**COST SUMMARY/IMPLICATIONS**

If the City fails to place a lien to recover the delinquent taxes, the General Purpose Fund (1010) may potentially lose estimated revenue totaling \$2,155,662 for this period.

**SUSTAINABLE OPPORTUNITIES**

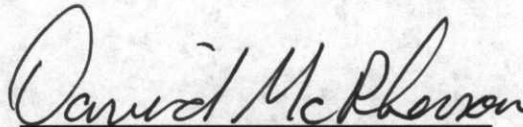
Economic: Collections of delinquent real property transfer taxes have major economic implications for the City's sustainability. The revenue source is relied upon to fund essential City services.

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

Social Equity: Collections of delinquent real property transfer taxes 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.

For questions regarding this report, please contact David McPherson, Revenue and Tax Administrator at (510) 238-6650.

Respectfully submitted,



David McPherson  
Revenue and Tax Administrator  
Revenue Bureau


*Attachment (1) – R.P.T.T. City Council Hearing Listing*

Item: \_\_\_\_\_  
City Council  
June 17, 2014

CITY OF OAKLAND DATE: 06-14-14

R.P.T.T. CITY COUNCIL HEARING LISTING FOR 06/17/14

DEBTOR NAME	PROPERTY ADDRESS	PARCEL #	Recording #	Invoice	AMOUNT	Admn. Fee	Total
JOSEPH VILLAVICENCIO	845 46TH ST	013-1166-035-00	2013352144	RPTT011414-4	\$ 3,181.4	\$50	\$3,231
MARIT SONSTEILE	377 PALM AVE, # 203	010-0786-045-00	2013353535	RPTT011414-7	\$ 4,570.0	\$50	\$4,620
DARLENE MATTOX	2825 61ST AVE	038-3189-021-00	2013353886	RPTT011414-8	\$ 2,565.7	\$50	\$2,616
JUAN CASTELLANOS	9233 C ST	044-4983-003-01	2013354880	RPTT011414-10	\$ 1,684.8	\$50	\$1,735
BRENDA GRAHAM	1601 80TH AVE	040-3357-011-00	2013355372	RPTT011414-11	\$ 1,973.0	\$50	\$2,023
PACIFIC BELL	2150 WEBSTER ST	008-0653-014-01	UNRECORDED	RPTT102813-1	\$ 2,137,550.0	\$50	\$2,137,600
BOB GUAN	1933 E 28TH ST	022-0363-025-00	2013358129	RPTT011414-17	\$ 3,787.5	\$50	\$3,838
					<b>\$ 2,155,312</b>	<b>\$ 350</b>	<b>\$ 2,155,662</b>



2014 JUN -5 PM 2: 08 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 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** June 17, 2014, 6:30 p.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 17<sup>th</sup> day of June 2014, 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 10<sup>th</sup> day of August 2014, 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 2014-2015 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, KALB, KAPLAN, GIBSON McELHANEY, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES -

ABSENT -

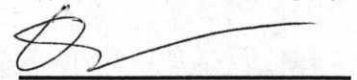
ABSTENTION -

ATTEST: \_\_\_\_\_

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

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OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

2014 JUN -5 PM 2: 08  
RESOLUTION No. \_\_\_\_\_ C.M.S.  
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 17<sup>th</sup> day of June 2014, 6:30 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, GALLO, KALB, KAPLAN, GIBSON McELHANEY, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES -

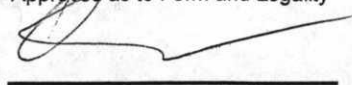
ABSENT -

ABSTENTION -

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

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# OAKLAND CITY COUNCIL



City Attorney

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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 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**, June 17, 2014, 6:30 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 17<sup>th</sup> day of June 2014, 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 10<sup>th</sup> day of August 2014, 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 2014-2015 County Tax Roll.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, KALB, KAPLAN, GIBSON McELHANEY, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

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