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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. 13531 C.M.S.

ORDINANCE AMENDING ORDINANCE NO. 13497 C.M.S. (THE 2018-19 MASTER FEE SCHEDULE) TO INCREASE THE RENT ADJUSTMENT PROGRAM SERVICE FEE FROM \$68.00 PER UNIT TO \$101.00 PER UNIT.

WHEREAS, the City of Oakland periodically amends its Master Fee Schedule to account for the cost increases relating to municipal programs, services, and activities; and

WHEREAS, in the Fiscal Year (FY) 2001-2002, the City Council established the Rent Adjustment Service Fee (the Fee) to fund the Rent Adjustment Program (RAP); and

WHEREAS, City staff undertook an analysis and evaluation of the revenue requirements to fund RAP's ongoing services, programs, and activities as well as ensure that the program is operating efficiently, accurately, and in a proactive manner regarding compliance and data, and the fee structure necessary to proportionately allocate the costs of providing these government services and program; and

WHEREAS, the agenda report provided by staff in support of the amendment of this Ordinance was prepared and includes the proposed fee and documentation supporting the estimated and reasonable costs to provide the services in a manner that ensures full compliance with the laws governing RAP; and

WHEREAS, the investigations conducted by staff reflected in the agenda report show that existing revenues are and will be insufficient to cover the current and projected costs of operating and maintaining identified City government programs, services, and activities; and

WHEREAS, the fee modifications and additions proposed by RAP, and the facts and analysis in support thereof, are identified in the agenda report; and

WHEREAS, the agenda report shows that revenues derived from the proposed fees will not exceed the funds required to provide the related government programs, services, and activities; and

WHEREAS, the agenda report shows that the amounts of the proposed fees and charges will not exceed the proportional cost of service provided or benefit attributable to each fee payer; and

WHEREAS, the agenda report shows that the proposed fees for a product, benefit or service are imposed for a specific government service, benefit or product provided directly to the payer that is not provided to those not charged and does not exceed the reasonable costs to the City of providing the services, benefit, or product; and

WHEREAS, the City Council finds that based on the significant increase in petitions and the new laws and regulations recently adopted there is good cause for raising the RAP service fee from \$68 to \$104 per unit, thereby enabling RAP to meet its responsibilities; and

WHEREAS, this action is exempt under the California Environmental Quality Act ("CEQA") pursuant to, but not limited to the following CEQA guidelines: Section 15378 (regulatory actions), Section 15061(b)(3) (no significant environmental impact), and Section 15183 (actions consistent with the general plan and zoning; and

WHEREAS, based upon all written reports and presentations to the City Council, including the agenda report and each of the Attachments thereto, the City Council finds and determines that the proposed modification to the RAP fee set forth herein is necessary to reimburse the City for the costs of performing various municipal and regulatory functions, and that this fee does not exceed the proportional cost of the service or benefit attributable to the fee payer); and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines that the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City Council.

SECTION 2. The Master Fee Schedule for the Housing and Community Development Department: Residential Rent Adjustment Section at (B), as set forth in Ordinance Number 13497 C.M.S., is hereby amended as follows to increase the Rent Program Service Fee from \$68 to \$104 per unit (additional are shown as double underline and deletions are shown as ~~strikethrough~~):

**RESIDENTIAL RENT ADJUSTMENT
B. RENT PROGRAM SERVICE FEE**

	CURRENT FEE (FY 2018-2019)	PROPOSED FEE (FY 2019-2020) and thereafter
1 Annual Service Fee per Unit (Fees are due January 1 and delinquent March 1)	\$68.00	<u>\$101.00</u>
2 If paid within 30 days late, add 10% late fee. In addition, add simple interest of 1% of the balance owed (Fee + late charges) per month or fraction of a month late	\$68.00 + 10% Unit	<u>\$101.00</u> + 10% Unit
3 If paid within 60 days late, add 25%	\$68.00 + 25% Unit	<u>\$101.00</u> + 25% Unit
4 If paid after 60 days late, add 50% <u>In addition, add simple interest of 1% of the balance owed (Fee + late charges) per month or fraction of a month late</u>	\$68.00 + 50% Unit	<u>\$101.00</u> + 50% Unit

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4. Effective Date. This Ordinance take effect seven (7) days after final adoption, unless it has been passed with six (6) votes, in which case it takes effect immediately upon adoption. The amended Fee amount will apply to those fees first due July 1, 2019 and thereafter.

SECTION 5. This action is exempt from the California Environmental Quality Act ("CEQA") pursuant to, but not limited to, the following CEQA Guidelines: § 15378 (regulatory actions), § 15061(b)(3) (no significant environmental impact), and § 15183 (consistent with the general plan and zoning).

APR 16 2019

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, ~~GIBSON, MOORE, WILSON~~ KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - McEmoney

ATTEST: *Latonda Simmons*

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

Date of Attestation: 4-19-2019

NOTICE AND DIGEST

ORDINANCE AMENDING ORDINANCE NO. 13497 C.M.S. (THE 2017-18 MASTER FEE SCHEDULE) TO INCREASE THE RENT ADJUSTMENT PROGRAM SERVICE FEE FROM \$68.00 PER UNIT TO \$101.00 PER UNIT.

This Ordinance amends the City of Oakland's Master Fee Schedule to increase the Rent Program Service Fee from \$68 per unit to \$101 per unit.