July 11, 2006

Oakland City Council
Oakland, California

Chairperson Brunner and Members of the Community & Economic Development Committee:

RE: Action on a Status Report on Preparing for Implementation of the Excess Litter Fee

After the City Council adopted the “Excess Litter Fee” ordinance (Ordinance No. 12727 C.M.S., February 21, 2006), the City Administrator directed the Deputy City Administrator to work with the Finance and Management Agency, the City Attorney’s Office and the Public Works Agency to plan and prepare for the implementation of the new litter removal procedures / processes and collection of the Excess Litter Fee.

On June 20, 2006, as part of its FY 2005 – 2007 Mid-cycle Budget process, the City Council adopted amendments to the Master Fee Schedule (via Ordinance No.12744 C.M.S.), effective July 1, 2006, to add a series of fees associated with the removal of excess litter in the areas around fast food businesses, liquor stores, convenience markets, gasoline station markets, and/or specially designated businesses (Attachment A).

The initial declaration notices are scheduled to be mailed to approximately 1,400 businesses in mid to late July. Fee invoices will be mailed in early- to mid-September and fee payments shall be due by the end of September.

Preparatory steps included:

- Developed draft list of eligible businesses subject to the Excess Litter Fee
- Circulated draft list to Council member staffs for review and edits
- Developed administrative procedures and guidelines
- Developed appeal process
- Drafted declaration form and appeal form

Item:
CED Comte.
July 11, 2006
• Drafted information brochure (Attachment B)
• Established dedicated telephone line(s)

**Immediate next steps include:**

• Order mailing and return envelopes (June 30th)
• Set up data base for administration of the Excess Litter Fee (July 18th)
• Draft program information for City website (July 24th)
• Mail fee invoices (September 15th)

In order to complete the program’s implementation and begin removing excess litter from Oakland’s streets, sidewalks, and other public spaces, the Office of the City Administrator requests the City Council’s preference(s) for:

1) Staffing the excess litter program  
2) Identifying locations in which to focus clean-up efforts.

Please refer to Attachment C for the three options for staffing the excess litter removal program, including an implementation timeline for each; and Attachment D for possible clean-up locations in each of the City’s Council Districts.

Staff is eager to implement this new program and work toward improving the cleanliness and aesthetic appearance of our City.

Respectfully submitted,

[Signature]
Deborah A. Edgerly  
City Administrator

Prepared by: N. De Luca  
Deputy City Administrator

**Attachments:**  
A: Master Fee Schedule, pg. 47  
B: Staffing Options and Timelines  
C: Possible Litter Clean-up Locations

**Item:**  
CED Comte.  
July 11, 2006
# City of Oakland Master Fee Schedule

Effective: July 1, 2006

## Fee Description

### Financial Management

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>OLD Fee / Unit</th>
<th>NEW Fee / Unit</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X. Excess Litter Fee</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Small Business</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Medium Business</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Large Business</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Failure to File an Annual Declaration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Penalty for Failure to Pay Excess Litter Fee Invoice within 60 Days from Due Date</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Penalty for Failure to Pay Excess Litter Fee Invoice beyond 90 Days from Due Date</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Penalty for Failure to Pay Excess Litter Fee Invoice beyond 120 Days from Due Date</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Interest, Inclusive of Penalties, for Delinquent Excess Litter Fees Due</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Filing fee for an appeal for Litter Ordinance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>New</strong></td>
<td>New</td>
<td>230.00 Per Year</td>
<td></td>
</tr>
<tr>
<td><strong>New</strong></td>
<td>New</td>
<td>910.00 Per Year</td>
<td></td>
</tr>
<tr>
<td><strong>New</strong></td>
<td>New</td>
<td>3,815.00 Per Year</td>
<td></td>
</tr>
<tr>
<td><strong>New</strong></td>
<td>New</td>
<td>50.00 Per Year</td>
<td></td>
</tr>
<tr>
<td><strong>New</strong></td>
<td>New</td>
<td>10% of Invoice</td>
<td></td>
</tr>
<tr>
<td><strong>New</strong></td>
<td>New</td>
<td>25% of Invoice</td>
<td></td>
</tr>
<tr>
<td><strong>New</strong></td>
<td>New</td>
<td>50% of Invoice</td>
<td></td>
</tr>
<tr>
<td><strong>New</strong></td>
<td>New</td>
<td>1% Per Month</td>
<td></td>
</tr>
<tr>
<td><strong>New</strong></td>
<td>New</td>
<td>67.50 Appeal</td>
<td></td>
</tr>
</tbody>
</table>

### Parking Management

<table>
<thead>
<tr>
<th>Area Description</th>
<th>OLD Fee / Unit</th>
<th>NEW Fee / Unit</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. On-Street Parking Meter</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. In the Central Business District (From N. Side of Grand Avenue to S. Side of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. In Harbor District (As Defined Above)</td>
<td></td>
<td>1.25 Space/Hour</td>
<td></td>
</tr>
<tr>
<td>2. In the Central Business District (As Defined Above)</td>
<td></td>
<td>1.25 Space/Hour</td>
<td>0.00%</td>
</tr>
<tr>
<td>1. In All Areas of Oakland Except Central Business District (As Defined Above)</td>
<td></td>
<td>1.00 Space/Hour</td>
<td>25.00%</td>
</tr>
<tr>
<td>2. In All Areas of Oakland Except Central Business District (As Defined Above)</td>
<td></td>
<td>4.25 Space/Hour</td>
<td></td>
</tr>
</tbody>
</table>
CONVENIENCE MARKET means any business engaged in the retail sale of food, beverages and convenience items, primarily for consumption and typically found in long or late hours of operation businesses that are engaged in Retail and Grocery sales Commercial Activity by Oakland Municipal Code Section 17.10.340. In those areas the vehicular food vending pilot project, or “vehicular food vending business engaged in vehicular food vending activity” by Section 17.10.290, is not considered a Combined Retail and Grocery Sales Commercial Activity. It is defined in Oakland Municipal Code Section 17.10.340 and excludes wholesale clubs or other establishments selling primary bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee.

FAST FOOD BUSINESS means any business engaged in the retail sale of ready-to-eat prepared foods and beverages, for on- or off-premise consumption, whenever the foods and beverages are prepared with short waiting time and are primarily consumed in disposable wrappers, containers, or packaging. Businesses may also exhibit other characteristics, including: (a) a limited, typically ordered and served at a counter; (b) the activity/use is occurring primarily on the premises; (c) the food and space for customer consumption; and (d) certain activities accessory to the activity of the sale.

GASOLINE MARKET means any business engaged in the retail sale of food, beverages and convenience items along with the retail sale of gasoline, but excludes any business engaged in Combined Retail and Grocery Sales Commercial Activity defined in Oakland Municipal Code Section 17.10.340 and excludes wholesale clubs or other establishments selling primary bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee.

LIQUOR STORE means any business engaged in the retail sale of alcoholic beverages for consumption at the premises, selling primary bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee.

City of Oakland
Business Tax Section-EXCESS Litter Fee
250 Frank H. Ogawa Plaza, Suite 300
Oakland, CA 94612
Phone: 510-238-3360
Fax: 510-238-7128
Excess Litter Fee

The City of Oakland

WHAT IF I PAY LATE OR FAIL TO COMPLETE?

Office shall be served by:

Failure to complete the declaration and return it to the City in a timely manner will result in a $50.00 fee assessment. Failure to complete the declaration and return it to the City in a timely manner will result in a $50.00 fee assessment. Failure to complete the declaration and return it to the City in a timely manner will result in a $50.00 fee assessment. Failure to complete the declaration and return it to the City in a timely manner will result in a $50.00 fee assessment. Failure to complete the declaration and return it to the City in a timely manner will result in a $50.00 fee assessment.

The appeal is granted.

An owner of a business/business property assessed with excess litter fees may appeal such assessment directly to a hearing officer desig-...
Staffing Options and Timelines to Implement the Litter Fee Program

Option 1 – Contract with Youth Employment Partnership (YEP), Inc.

June 27  City Council adopted resolution to increase current contract with YEP to carry out excess litter removal program
July 19   Submit Scope of Services to YEP for cost estimate
August 1  YEP to respond with estimate to City on Scope of Services
September 11 Start date for YEP

NOTE: This option / timeline is contingent on reaching an agreement with YEP on a Scope of Services. To date, no program discussions have occurred.

Pros

• Would provide transportation, tools, and supplies.
• Would provide supervision
• Implementation would occur within a few months
• Have performed similar work for the City in the past and have done a good job at implementing
• Flexibility in work hours to address daylight savings time changes.
• Ability to hire youths from the neighborhoods where they would be assigned

Cons

• City staff would be responsible for daily collection of bags, which requires ongoing coordination.
• Turn-over of youth as they go to college or get into the workforce.

Option 2 – Hire Temporary Contract Service Employees (TCSE) until Recruitment Process for Public Works Utility Worker (PWUW) is Completed

• Use temporary contract service employees for approximately six months. This would allow time to recruit, and hire part-time employees. Process to hire TCSE would take approximately 30 days.

Attachment C – page 1 of 2
• Establishment of a new Part-Time classification and recruitment and hiring for PWUW could take a minimum of six months. This is a process that is difficult to predict due to the large number of variables.

Pros

• Provides for faster removal of collected materials as the staff performing the clean up would also remove the debris.
• Could be implemented within a few months
• TCSE would be trained and be potential candidates for part-time positions

Cons

• Current Supervisors would have to work overtime to supervise crews, which could reduce supervisors’ overall efficiency.

Option 3 – Request For Proposal (RFP) Process

July 10, 2006 Submit RFP to Contract Compliance
August 2 Advertise RFP
August 14 Conduct pre-bid meeting
September 25 Bid submittals due
September 28 Review proposals
October 4 Make selection
November 14 Present Agenda report to Public Works Committee
November 21 To full Council
December 5 Award of contract
January 2, 2007 Notice to proceed

Pros

• Same as those noted under Option 1.

Cons

• Timeframe to implement would be four to six months
Possible Locations for Litter Clean Up

In October 2005 staff conducted a field survey to determine the exact locations and number of blocks that were near fast food restaurants, junior high and high schools. Approximately 125 blocks were identified.

Staff used the following boundaries in each district to identify the locations:

1. Council District 1 - Alcatraz Avenue to MacArthur Boulevard and San Pablo Avenue to College Avenue as the borders

2. Council District 2 - MacArthur Boulevard to E. 12th Street and 14th Avenue to Fruitvale Avenue as borders

3. Council District 3 - MacArthur Boulevard to E. 7th Street and Adeline to Lakeshore/1st Avenues as borders

4. Council District 4 - Mountain Boulevard to Macarthur Boulevard and High Street to Fruitvale Avenue as its borders.

5. Council District 5 - 17th Avenue to 54th Avenue and E. 7th Street to Macarthur Boulevard as its boundaries.

6. Council District 6 - High Street to 73rd Avenue and MacArthur Boulevard to San Leandro Street as its borders.

7. Council District 7 - 106th Avenue to 82nd Avenue from Mountain Boulevard to Airport Drive as its boundaries.

Attachment D