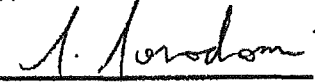


FILED  
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OAKLAND  
2008 OCT 30 PM 5:27

Approved as to Form and Legality

  
City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A TWO YEAR PROFESSIONAL SERVICES AGREEMENT, WITH TWO ONE-YEAR OPTIONS FOR RENEWAL, WITH CIVICORPS SCHOOLS FOR IMPLEMENTATION OF THE EXCESS LITTER FEE PROGRAM IN AN AMOUNT NOT TO EXCEED \$350,000.00 EACH YEAR**

**WHEREAS**, on February 21, 2006, the City Council adopted Ordinance No. 12727 C.M.S. establishing the Excess Litter Fee Program; and

**WHEREAS**, a Request for Proposals for continued implementation of the Excess Litter Fee Program was issued on July 22, 2008 with seven proposals received on September 8, 2008; and

**WHEREAS**, staff evaluated all proposals received and selected Civicorps Schools as the most qualified to provide this service to the City; and

**WHEREAS**, the City Council finds and determines that this contract is professional, scientific or technical and temporary in nature, and the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

**WHEREAS**, the total Excess Litter Fee Program is funded from revenues collected from the Excess Litter Fee which are deposited to the Excess Litter fee Fund (fund 2417); now, therefore be it

**RESOLVED:** That the City Administrator is authorized to execute an agreement, subject to the review and approval of the City Attorney, with Civicorps Schools for implementation of the Excess Litter Fee Program for a two year period with an option to renew for two additional one-year periods in an amount not to exceed three hundred and fifty thousand dollars (\$350,000.00) each year; and be it

## **BACKGROUND**

The City Council adopted the "Excess Litter Fee" ordinance (Ordinance No. 12727 C.M.S.) on February 21, 2006 with the goal of creating and maintaining clean city sidewalks, streets and public spaces. On June 20, 2006, the City Council adopted amendments to the Master Fee Schedule, 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 and gasoline station markets. The City Council, on June 27, 2006, adopted Resolution No. 79999 C.M.S. authorizing the execution of a two year agreement with Youth Employment Partnership, Inc. to implement the Excess Litter Fee program. The term of that agreement was from September 15, 2006 to September 15, 2008.

A Request for Proposals for continued implementation of the Excess Litter Fee Program was issued on July 22, 2008 with proposals due on September 8, 2008. Seven proposals were received. Proposals were evaluated based upon the following criteria:

### Relevant Experience

- Past, recently completed, or on-going projects that substantiate experience
- Prior experience and ability to work with City staff, community groups, and other stakeholders, addressing the various interests in developing a successful project

### Qualifications

- Professional background and qualifications of team members

### Organization

- Current workload
- Available staff
- Resources
- Capacity and flexibility to meet schedules, including any unexpected work

### Approach

- Understanding of the nature and extent of the services required
- A specific outline of how the work will be performed
- Awareness of potential problems and providing possible solutions
- Special resources offered that are relevant to the successful completion of the project

### Other Factors

- Presentation, completeness, clarity, organization, and responsiveness of proposal

An oral interview of the top four applicants was conducted on October 7, 2008. Based upon the results of the proposal review and oral interview process, Civicorps Schools was ranked as the most qualified to provide this service to the City.

Civicorps Schools (formerly the East Bay Conservation Corps) has been serving Oakland youth since 1983. The Civicorps program combines a conservation corps model with an educational program allowing 18-24 year olds to earn their high school diplomas while providing a service to their community. Civicorps has worked on a number of projects for the City of Oakland.

Currently, Civicorps works with the Oakland Fire Department for removal of flammable green waste from residents requesting pickup. The Civicorps crew collects, chips and disposes of the flammable green waste. Civicorps' Project YES (Youth Engaged in Service) operated service-learning projects in all of the middle schools in Oakland Unified School District. Project YES students conducted graffiti abatement throughout the City. The Civicorps recycling team picks up recyclables from business throughout the City, at Oakland A's games, Raiders Games and City of Oakland events. Under a current contract with the Port of Oakland, Civicorps maintains the Oakland Embarcadero area from Jack London Square to the Coast Guard entrance on Embarcadero and from Maritime to Seventh Street. This work includes removing litter and weeds including tracking the number of garbage bags and recyclables collected. Civicorps has provided litter clean up services to the East Bay Regional Park District for over twenty years and currently has a two year litter abatement contract with Caltrans for picking up litter and removing weeds. References checked provided positive evaluations.

## PROGRAM DESCRIPTION

### *Excess Litter Fee*

The Excess Litter Fee is billed annually to 565 fast food businesses, liquor stores, convenience markets and gasoline station markets. The fee is based on an establishments annual gross receipts as follows:

	<u>Annual Fee</u>
• Small Business (annual gross receipts between \$5,000 and \$500,000)	\$ 230
• Medium Business (annual gross receipts between \$500,001 and \$1,000,000)	\$ 910
• Large Business (annual gross receipts over \$1,000,000)	\$3,815

The Excess Litter Fee generated \$364,832 in revenue during FY 2007-08.

### *Project Approach*

Civicorps will implement a litter collection effort for the City's Excess Litter Fee Program. The services to be provided will include:

- Collection of litter from sidewalks, gutters, storm drains and tree wells on a year round basis. Litter will be collected once each week from targeted streets and neighborhoods near fast food businesses, liquor stores, convenience markets and gasoline station markets.
- Removal of weeds in street tree wells where litter is collecting
- Tracking and reporting the number of bags of litter collected from each location

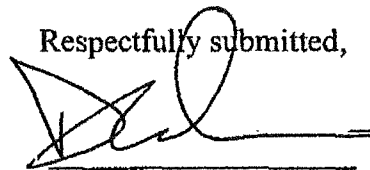
Civicorps will be responsible for the recruitment, hiring and training of all crew members and will provide shirts identifying crew members as Oakland Excess Litter Fee Program participants. The program will be administered by the City Administrator's Office. Civicorps will provide the

City with detailed activity reports within fifteen days after the end of each month. A comprehensive status report on the activities of this program will be provided to the City Council at the end of the current fiscal year.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends acceptance of this report and approval of a resolution authorizing the City Administrator to execute a two year professional services agreement, with two one-year options for renewal, with Civicorps Schools for implementation of the Excess Litter Fee Program in an amount not to exceed \$350,000 each year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dan Lindheim', written over a horizontal line.

Dan Lindheim  
Acting City Administrator

Prepared by: William J. Zenoni  
Interim Deputy City Administrator  
Office of the City Administrator

# CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator  
Dan Lindheim  
Acting City Administrator

(510) 238-3301

November 12, 2008

**CONCURRENT REDEVELOPMENT AGENCY AND  
CITY COUNCIL COMMITTEE ON COMMUNITY AND  
ECONOMIC DEVELOPMENT  
Oakland, California**

Chairperson Brunner and Members of the Committee:

**RE: A Report and Resolution Authorizing the City Administrator to Execute a Two Year Professional Services Agreement, with Two One-Year Options for Renewal, with Civicorps Schools for Implementation of the Excess Litter Fee Program in an Amount Not to Exceed \$350,000 Each Year**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2008 OCT 30 PM 5:26

## SUMMARY

The Excess Litter Fee was established and implemented in 2006 to raise revenue to abate litter created by fast food businesses, liquor stores, convenience markets and gasoline station markets. These types of establishments pay an Excess Litter Fee based on the size of their business.

Revenue generated from the fee is used to defray the cost of litter and trash clean-up resulting from the operation of these businesses. The City Council in 2006 authorized a two year agreement with Youth Employment Partnership (YEP) for implementation of the Excess Litter Fee Program. That agreement ended on September 15, 2008.

A Request for Proposals for continued implementation of the Excess Litter Fee Program was issued on July 22, 2008 with proposals due on September 8, 2008. Seven proposals were received. An oral interview of the top four applicants was conducted on October 7, 2008. Based upon the proposals submitted, Civicorps Schools was selected as the group most qualified to provide this service to the City.

## FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to execute a two year professional services agreement with Civicorps Schools, with two one-year options for renewal in an amount not to exceed \$350,000 each year. Funding is available from revenues collected from the Excess Litter Fee, which are deposited to the Excess Litter Fee Fund (Fund 2417).

Item:  
CEL Committee  
November 12, 2008

**FURTHER RESOLVED:** that the City Administrator is authorized to exercise the option to renew the agreement for two additional one year periods without return to Council, provided that such option shall be subject to a signed contract amendment, review and approval of the City Attorney and filed with the City Clerk's office.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2008

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

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

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## Litter tax

### What is the litter tax?

It is a tax on manufacturers, wholesalers, and retailers of certain products which contribute to the litter problem in this state.

The 13 categories of products subject to the litter tax are:

- food for human or pet consumption
- groceries
- cigarettes and tobacco products
- soft drinks and carbonated beverages
- beer and other malt beverages
- wine
- newspapers and magazines
- household paper and paper products
- glass containers
- metal containers
- plastic or fiber containers made of synthetic material
- cleaning agents and toiletries
- non-drug drugstore sundry items

### How do I pay the tax?

It is reported on the [excise tax return](#) by taxpayers who manufacture or sell any of the listed products.

### What rate do I pay?

The rate is .00015 of the taxable amount.

### What are the funds used for?

The funds are used by Department of Ecology for a litter control program employing youth to clean up public places, and for public education and awareness programs relating to litter control and recycling.

### Food sales exempt from Litter tax if consumed on seller's premises

Food and beverages consumed indoors at the seller's place of business or outdoors on a deck or patio at the seller's place of business are exempt from litter tax. However, sales of food and beverages ordered "to go" or for "delivery" to a customer are subject to litter tax.

## Forms & publications

[Tax Reference Manual \(pdf\)](#)

[Special Notice - Litter Tax Exemptions for Prepared Food & Beverages \(pdf\)](#)

## References

[WAC 458-20-243](#)

[RCW 82.19](#)

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Voter registration assistance (SECRETARY OF STATE)