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January 27, 2014

*Via E-Mail & U.S. Mail*

James A. Bondi  
City of Oakland,  
Office of the City Administrator  
1 Frank Ogawa Plaza, 3rd Floor  
Oakland, CA 94612

*Re: California Public Records Act Request*

Dear Mr. Bondi:

Pursuant to the California Public Records Act ("CPRA"), Government Code sections 6150 *et seq.*, I write to request the documents and information described below:

Any and all documents referred to or relied upon by the City of Oakland (City) in its Memo of October 11, 2013 entitled "Payment of Delinquent parking Taxes on the Former Oakland Army Base," (attached) including but not limited to:

- 1) Any and all documents reflecting Oakland Maritime Support Services (OMSS) unpaid parking taxes from January 1, 2005 to present, related to its truck parking operation on the former Oakland Army Base (OARB). If the City is not in possession of such information, please state the same.
- 2) Any and all documents relied upon by the City of Oakland to conclude that OMSS was "at a competitive disadvantage relative to the Port's subsidized truck parking operation" as set forth in the above referenced memorandum. If the City is not in possession of such information, please state the same.
- 3) Any and all documents reflecting proposed or actual reductions in OMSS' rent obligations from January 1, 2006 to January 15, 2013. Such documents should include, but are not limited to, documents reflecting the Redevelopment Agency's reduction of OMSS' rent obligation (to \$35,000 per month or any other amount) at any time between January 1, 2006 and January 15, 2013. If the City is not in possession of such information, please state the same.

- 4) Any and all documents reflecting the monthly rent that the City charged OMSS from January 1, 2006 to January 15, 2013, and any and all payments made thereon by OMSS. If the City is not in possession of such information, please state the same.
- 5) Any and all documents reflecting the dollar value of any monthly rent charge that the City returned or credited back to OMSS, or forgave, from January 1, 2006 to January 15, 2013. If the City is not in possession of such information, please state the same.
- 6) Any and all documents reflecting the parking rate that OMSS charged its customers from January 1, 2009 to present. If the City is not in possession of such information, please state the same.
- 7) Any and all documents reflecting that OMSS failed to collect the parking tax from its customers from 2009 to 2013, and the amount of tax liability that OMSS incurred to the City during that period. If the City is not in possession of such information, please state the same.
- 8) Any and all documents relied upon by the City of Oakland to conclude that OMSS was "providing an important public service by helping to keep trucks out of West Oakland," as set forth in the memo. If the City is not in possession of such information, please state the same.

In accordance with the Government Code, your response is required within ten (10) days of the date of this letter in order to avoid monetary penalties. To the extent any of the above documents are available in electronic format; please provide them in such format. If you have any questions regarding this request, please do not hesitate to contact me.

Very truly yours,



Dalisai Nisperos

DN/ea

cc: Doug Bloch, Teamsters Joint Council 7  
Arlette Flores, Esq., City of Oakland



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October 11, 2013

**Fred Blackwell**  
**Assistant City Administrator**

**RE: PAYMENT OF DELINQUENT PARKING TAXES ON THE  
FORMER OAKLAND ARMY BASE**

Dear Mr. Blackwell:

I write regarding the unpaid parking taxes attributable to the truck parking facility operated by Oakland Maritime Support Services (OMSS) on the former Oakland Army Base (OARB) through September 2013.

In 2009, the City's Revenue Division attempted to collect unpaid parking taxes from OMSS related to its truck parking operation on the OARB. In July of that year, the City agreed that OMSS was at a competitive disadvantage relative to the Port's subsidized truck parking operation, and that OMSS was providing an important public service by helping to keep trucks out of West Oakland through its on-site services. At that time, the Redevelopment Agency owned the property, and informed OMSS that the Agency would reduce its monthly rent obligation by \$20,000 to \$35,000 per month so that OMSS could charge a lower parking rate and collect the taxes from its customers, so as to keep payments flat for truckers. Under this reduced rent scenario, OMSS could remain competitive.

Instead of reducing OMSS' monthly rent obligation, the Redevelopment Agency continued to collect the same rent amount, resulting in OMSS overpaying rent by \$20,000 to \$35,000 per month for the remaining four years that OMSS continued to occupy the property (totaling \$960,000-\$1.68 million). When the OARB property transferred from the Redevelopment Agency to the City in 2012, the rent remained the same.<sup>1</sup>

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<sup>1</sup> The City has stepped into the shoes of the Oakland Redevelopment Successor Agency (ORSA) with regard to the Army Base property.

Assistant City Administrator Fred Blackwell

Re: Payment of Delinquent Parking Taxes on the Former Oakland Army Base

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During the same time period, OMSS failed to collect the parking tax from its customers and incurred liability to the City under the Parking Tax Ordinance from July 2009 through September 2013, in the amount of \$1,258,715, including \$316,423 in interest. The City wishes to settle the matter, and has therefore determined that the Army Base Project will pay for the delinquent parking taxes as a set off against the obligations to OMSS arising from over-collected rents. These payments to the City will satisfy and extinguish any and all obligations of Army Base arising from and relating to OMSS rent overpayments.

By way of this memorandum, I am directing that unrestricted revenues resulting from the development of the Army Base Project be used to repay the City's Revenue Division all delinquent taxes and accrued interest. The payments will be made as follows:

- .5405% of delinquent taxes (\$680,335) will go to Parking Tax Fund 1010.
- .4595% of delinquent taxes (\$578,380) will go to Measure Y Surcharge (OMC 4.16.031) Fund 2251.
- .5405% of all incurred and accrued interest will go to Parking Tax Fund 1010 (\$171,027 as of October 1, 2013)
- .4595% of all incurred and accrued interest will go to will go to Measure Y Surcharge Fund 2251 (\$145,396 as of October 1, 2013)

Please note that the amount in arrears will continue to accrue interest until the total delinquent amount, including interest, is remitted.

Sincerely,



DEANNA J. SANTANA  
City Administrator

cc: Osborn Solitei  
David McPherson  
Keith Pryor  
Doug Cole  
John Monetta  
Hui Wang