

CITY OF OAKLAND
OFFICE OF FINANCE
REVENUE DIVISION
DIRECTOR OF FINANCE AND MANAGEMENT RULING NO. 21
AFFIRMING THE METHODS OF ESTABLISHING AND APPLYING
ASSESSMENTS/ESTIMATES DUE

Reference: Chapter 5.04, Sections 5.04.240, 5.04.600, 5.04.650 and 5.04.660 of the Oakland Municipal Code.

Purpose

Establishes and clarifies administrative policy to be consistent with all applicable sections of the Oakland Municipal Code, Chapter 5.04, regarding estimating tax bases, and when tax liabilities become **final** as a result of an audit or non filing of a declaration.

Rescinds and replaces previous Director of Finance Ruling No. 21, “REFUNDS ON LIENED PROPERTY”, dated April 10, 1992 (Reference: Section 5-1.21).

BACKGROUND

The Business Tax provisions of the Oakland Municipal Code, Chapter 5.04, defines the methods of establishing and applying assessments/estimates due to non-filing of required declaration(s) for all respective tax years affected.

The amount of any business tax and penalty imposed by this chapter shall be deemed a debt to the city; and any person carrying on any business without first having procured a business tax certificate from said city shall be liable to an action in the name of said city in any court of competent jurisdiction, for the amount of tax and penalties imposed on such business (OMC 5.04.240).

The amount of tax, penalty and interest imposed under the provisions of this chapter is assessed against the business property on which the tax is imposed in those instances where the owner of the business and the business property are one and the same. If the taxes are not paid when due, such tax, penalty and interest shall constitute an assessment against such business property and shall be a lien on the property for the amount thereof, which lien shall continue until the amount thereof including all penalties and interest are paid, or until it is discharged of record.

If an audit results in additional tax liabilities due, the audit findings become final at the end of the twenty (20) day period unless a petition to question audit has been filed within the twenty (20) days or within the extension period granted by the Director of Finance.

If the taxpayer fails to respond to city notices and or follow the required methods as stated within the provisions of the Oakland Municipal Code, Chapter 5.04, the assessed/estimated tax bases and associated tax liabilities will be final if the taxpayer does not petition for a redetermination within twenty (20) days after service of notice of determination.

The Director of Finance in individual cases may, in the exercise of reasonable discretion in administering the provisions of this chapter, enlarge the twenty (20) day period. If a petition for redetermination is not filed within the twenty (20) day period or within the extension period granted by the Director of Finance, the determination becomes final at the expiration of the twenty (20) day period.

The order or decision of the Director of Finance upon a petition for redetermination becomes final thirty (30) days after service upon the petitioner of notice thereof in the manner provided in Section 5.04.640D, unless appeal of such order or decision is filed with the Board of Review pursuant to Section 5.04.550B.

RULING OF THE DIRECTOR OF FINANCE

As a result of the taxpayer's failure to respond to city notices and or follow the required methods as stated within the provisions of the Oakland Municipal Code, assessed/estimated tax bases and tax liabilities are **final**, and WILL NOT be amended.

Only in the circumstance due to proven error(s) made by Revenue Division staff will the matter be reevaluated and adjustments be made accordingly.

William Noland
Director, Finance and Management Agency

August 20, 2007