

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

2004 MAR 11 PM 1:49

**To:** Office of the City Manager  
**Attn:** Deborah Edgerly  
**From:** Budget Office  
**Date:** March 23, 2004

**Re:** Resolution Initiating the FY 2004-05 Assessment Process for the City Of Oakland Landscaping and Lighting Assessment District and Authorizing the City Manager to Order an Engineer's Report Pursuant to the California Streets and Highways Code

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**SUMMARY**

In compliance with the California Streets and Highways Code, Section 22622, a resolution has been prepared initiating the annual assessment process of the Landscaping and Lighting Assessment District (LLAD) for the FY 2004-05 property tax roll, describing any proposed new improvements, and authorizing the City Manager to order the District Engineer to prepare and file an Engineer's Report with the City Clerk.

**FISCAL IMPACT**

This report is for the purpose of initiating the annual assessment process for the LLAD. The service and cost of preparing the Engineer's Report is included as part of the contractual agreement with Francisco & Associates, Inc., approved by the City Council on February 11, 2003 and expiring on December 31, 2004.

Funding for the contract is available in the Budget Office budget as part of the FY 2003-04 and FY 2004-05 adopted budgets (Organization 02811 – Budget Office, Fund 2310 – LLAD, Non-project, Account 54411 – Architectural and Engineering Services).

**BACKGROUND**

The California Landscaping and Lighting Act of 1972 (California Streets and Highways Code 22500-22509) allows local governmental agencies to form assessments districts for the purpose of financing the costs and expenses of landscaping and lighting public areas. The City of Oakland formed a Landscaping and Lighting Assessment District on June 23, 1989. In 1994, the City of Oakland voters defeated a ballot measure challenging the LLAD and confirmed its existence. The LLAD, utilizing a direct benefit assessment, provides a funding source for the operation and maintenance of public landscaping, fountains, general lighting, recreational, playground, and park facilities, and street lighting in defined benefit zones that encompass the City of Oakland.

In addition, the California Streets and Highways Code, Section 22620-22631, applies to all assessments that are to be levied and collected for a fiscal year. The code describes the requirements for levying assessments, which are as follows:

1. Adopt a resolution describing any proposed new improvements or any substantial changes in existing improvements and ordering the engineer to prepare and file a report. (This step is the subject of this City Council report and resolution.)
2. Approval of the engineer's report and adoption of a resolution of intention. The resolution of intention declares the City Council's intention to levy and collect assessments within the LLAD for the fiscal year. It also states whether the assessment is proposed to increase from the previous year and sets a date, hour, and place for a public hearing. (Staff will forward this item to the Finance and Management Committee in April and to the City Council in May.)
3. Conduct the public hearing affording all interested parties the opportunity to hear and be heard. (Staff will propose that the public hearing be set for a date in June.)
4. Adopt a resolution confirming the information in the engineer's report and the levy of the assessment within the LLAD for the fiscal year, if a majority protest has not been filed with the City Clerk. (Staff will forward this item to the Finance and Management Committee in May and to the City Council in June.)

Upon fulfillment of these requirements, the City of Oakland must submit the assessments to the Alameda County Auditor for inclusion in the FY 2004-05 property tax roll. The City of Oakland collects the LLAD assessments through the County of Alameda property tax bill.

The current rate assessment structure has been in place since FY 1993-94, the year that Oakland voters confirmed the existence of the LLAD. With rates held constant since FY 1993-94, revenues have been flat at about \$17.4 million annually. The FY 2003-05 Adopted Budget contains a FY 2004-05 spending authority of \$19.2 million. The variance of \$1.8 million is to be derived from the existing fund balance, which will be exhausted during FY 2005-06. Any increase in the rates requires voter approval.

## **DISCUSSION**

The purpose of this report and resolution is to initiate the FY 2004-05 assessment process of the LLAD. The assessment rates are due to the Alameda County Auditor in August for inclusion in the FY 2004-05 property tax roll.

The proposed resolution orders the preparation of an Engineer's Report, which will set forth the findings and engineering analysis for the LLAD. The resolution also declares that the existing boundaries of the LLAD remain the same as that described in the previous year's (FY 2003-04) Engineer's Report; and that the facilities and improvements within the LLAD are continuously improved upon as funding for such capital improvements becomes available to the City of Oakland. For example, various state and local bond measures have provided, and continue to support, much needed capital improvements to existing facilities, as well as the development of new park and recreation amenities. In all cases, such funding sources for capital improvements prohibit the use of funds for the on-going operations and maintenance of the improved amenities. Any existing and additional costs required for on-going operations and maintenance are borne by other eligible sources such as the LLAD and the General Purpose Fund. LLAD revenues do not

fully cover the City's landscape maintenance and lighting services and are subsidized by the General Purpose Fund.

In FY 2004-05, several improvements to existing facilities that utilize LLAD funding for on-going operations and maintenance are targeted for completion including Bella Vista Park, Carmen Flores Recreation Center, Greenman Field, Peralta Hacienda Historical Park, Union Point Park, Willow Park, and streetscape projects with new landscaping.

**SUSTAINABLE OPPORTUNITIES**

There are no direct economic, environmental, or social equity opportunities or impacts associated with the City Council action requested in this report.

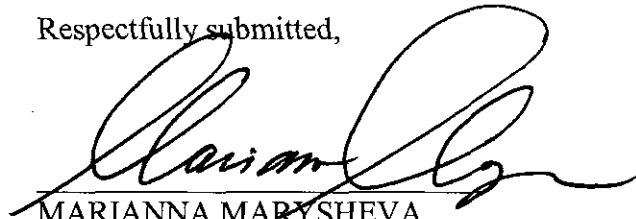
**DISABILITY AND SENIOR ACCESS**

There is no direct impact to people with disabilities or to seniors associated with the City Council action requested in this report.

**RECOMMENDATION**

Staff recommends that the City Council approve the proposed resolution.

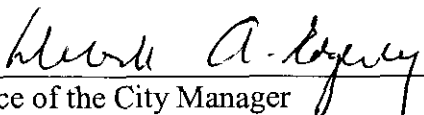
Respectfully submitted,



MARIANNA MARYSHEVA  
Budget Director

Prepared by:  
Stephanie Hom  
Principal Financial Analyst  
City Manager's Budget Office

APPROVED AND FORWARDED TO THE  
FINANCE AND MANAGEMENT COMMITTEE

  
Office of the City Manager

**OAKLAND CITY COUNCIL**

*A. Floyde*  
OFFICE OF THE CITY CLERK  
1470

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

~~2004 MAR 11 PM 1:49~~

**RESOLUTION INITIATING THE FY 2004-05 ASSESSMENT PROCESS FOR THE CITY OF OAKLAND LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT AND AUTHORIZING THE CITY MANAGER TO ORDER AN ENGINEER'S REPORT PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE**

**WHEREAS**, the City of Oakland Landscaping and Lighting Assessment District (LLAD) was established on June 23, 1989 under the authority of the California Streets and Highways Code Section 22500, et seq., known as the Landscaping and Lighting Act of 1972; and

**WHEREAS**, the City desires to initiate the FY 2004-05 LLAD assessment for properties within the district boundaries; and

**WHEREAS**, the California Streets and Highways Code Section 22622 requires that the City Council adopt a resolution describing any proposed new improvements or any substantial changes in existing improvements and order the District Engineer to prepare and file a report with the City Clerk for further submission to the City Council; now, therefore be it

**RESOLVED:** That the existing boundaries of the LLAD remain the same as those described in the FY 2003-04 Engineer's Report approved by the City Council on June 17, 2003; and be it

**FURTHER RESOLVED:** That regular capital improvements to existing facilities and amenities within the LLAD are necessary to maintain and enhance these assets and are performed as funding is available to support these improvements; and be it

**FURTHER RESOLVED:** That the City Council initiates the annual assessment process for the City of Oakland Landscaping and Lighting Assessment District for FY 2004-05, and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Manager to order a FY 2004-05 Engineer's Report for the City of Oakland Landscaping and Lighting Assessment District, and be it

**FURTHER RESOLVED:** That the Engineer's Report shall be filed with the City Clerk for submission to the City Council for further action.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES-

NOES-

ABSENT-

ABSTENTION-

**3**  
**FINANCE & MANAGEMENT CMTE.**

ATTEST:  
**MAR 23 2004**

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CEDA FLOYD

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