

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 JUL 11 PM 4:01
INTRODUCED BY COUNCIL MEMBER _____

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY

RESOLUTION NO. 84539 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE PORT OF OAKLAND AND STATE LANDS COMMISSION ENSURING THAT ASSESSMENTS PAID BY THE PORT FOR THE PROPOSED JACK LONDON IMPROVEMENT DISTRICT ARE USED CONSISTENT WITH THE TRUST FOR COMMERCE, NAVIGATION, AND FISHERIES

WHEREAS, The City Council intends to take action on July 16, 2013, to form the Jack London [Business] Improvement [Management] District (JLID) if the scheduled protest vote fails to get a weighted majority. If the formation of the JLID is approved, all property owners in the district, including the Port of Oakland, will be assessed an annual special assessment to fund JLID programs in accordance with the Management District Plan for the Jack London [Business] Improvement [Management] District (JLID) 2013 ("Management Plan") dated March 27, 2013, and

WHEREAS, As a trustee of the public trust for commerce, navigation, and fisheries ("Trust") lands, the Port is required to use the revenues generated from those lands for purposes consistent with the Trust. The Port and State Lands Commission have raised a concern that the JLID assessment, if approved, could result in Trust funds being expended for non-trust purposes. A concern has also been raised about the fact that the decisions with respect to how to use the Port's share of the assessment would be made by a nontrustee of the Trust; and

WHEREAS, The City desires to assure the Port and SLC that the Port, like all property owners within the JLID, will benefit in proportion to its fair share contribution, consistent with all applicable laws governing special assessment districts, and that such benefit will render the assessments on Port lands a permissible expenditure of Trust funds and that Trust revenues will not be expended unless and until such revenues can and will be committed to Trust-consistent uses.

Now, therefore, be it

RESOLVED, that the City Council hereby authorizes the City Administrator, or her designee, to enter into an agreement with the Port of Oakland and SLC ensuring that assessments paid by the Port for the proposed Jack London Improvement District are used consistent with the trust for commerce, navigation, and fisheries; and be it

FURTHER RESOLVED, That the City Administrator or her designee is hereby authorized to complete all required negotiations required to accept, modify, extend and/or amend the agreement except as to any increase in payments by the City, and be it

FURTHER RESOLVED, That the City Attorney shall review and approve said agreement as to form and legality and copies of said agreements shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 16 2013, 2013

PASSED BY THE FOLLOWING VOTE:

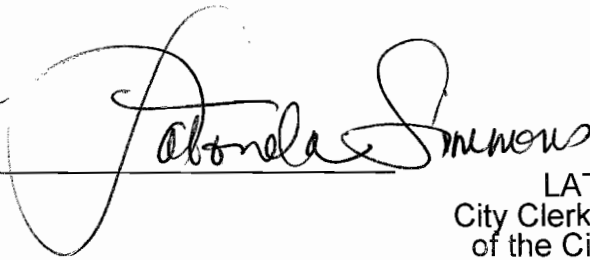
AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF,
and
PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



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