

Kathleen Salawa-Boyd
City Attorney

INTRODUCED BY COUNCILMEMBER _____
OFFICE OF THE CITY CLERK
OAKLAND

13 SEP 26 PM 12:53
OAKLAND CITY COUNCIL
ORDINANCE NO. 13197 C.M.S.

ORDINANCE AUTHORIZING PAYMENT FOR CITY OWNED PROPERTIES WITHIN CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2013-1 (WILDFIRE PREVENTION DISTRICT) IN FISCAL YEARS 2014/15 THROUGH 2023-24, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) PER FISCAL YEAR, SUBJECT TO ANNUAL APPROPRIATION

WHEREAS, the City Council approved the formation of City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District) (the “CFD” or “Wildfire District”)(Resolution No. 84594 C.M.S., August 2, 2013) for the purpose of providing financing for certain fire protection and suppression services within the City of Oakland; and

WHEREAS, the City Council approved a resolution calling and giving notice of a Special Election (Resolution No. 84595 C.M.S., August 2, 2013) for qualified electors within the boundaries of the Wildfire District, on the question of the levy of a special tax on property within the Wildfire District and the establishment of an appropriation limit for the Wildfire District; and

WHEREAS, entities of state, federal and local governments are exempt from Special Tax [Government Code Section 53340 (c)]; and

WHEREAS, the City of Oakland understands and accepts its civic obligations as an owner of property in the Wildfire District to contribute an amount to the fire prevention and preparedness efforts in the Wildfire District in an amount comparable to those the City paid under the expiring Wildfire Prevention Assessment District (WPAD), even though City owned parcels are exempt from the special tax; and

WHEREAS, California Government Code Section 53314.8 states: “At any time either before or after the formation of the district, the legislative body may provide, by ordinance, that for a period specified in the ordinance, the local agency may contribute, from any source of revenue not otherwise prohibited by law, any specified amount, portion, or percentage of the revenues for the purposes set forth in the ordinance, limited to the following: . . . the provision of authorized services, and the payment of expenses incidental thereto. The contribution shall not constitute an indebtedness or liability of the local agency;” and

WHEREAS, the Wildfire District includes approximately 433 city-owned properties; and

WHEREAS, the City Council wishes to approve for the ten (10) year life of the Wildfire District an annual contribution to the services described in **Resolution No. 89594 C.M.S.** (the "Services") in the amount of \$150,000 per fiscal year, subject to annual appropriation by this Council; and

WHEREAS, the contribution for fiscal year 2014/15 for the City owned properties is \$150,000; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Administrator is hereby authorized to contribute \$150,000, from General Purpose Funds (Fund: 1.1010.90311.59312.0000000.2321) for fiscal year 2014-15, subject to appropriation.

Section 2. The City Administrator is authorized to include, as part of the City of Oakland's biennial budget, funds in the amount of \$150,000 in each subsequent year, for the ten year life of the CFD, subject to annual appropriation by the City Council.

Section 3. This Ordinance shall take effect only if the ballot measure authorizing the levy of special taxes in the CFD and approving an appropriations limit for the CFD is approved by two-thirds of the qualified electors voting on the measure at the November 13, 2013 election.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV - 5 2013

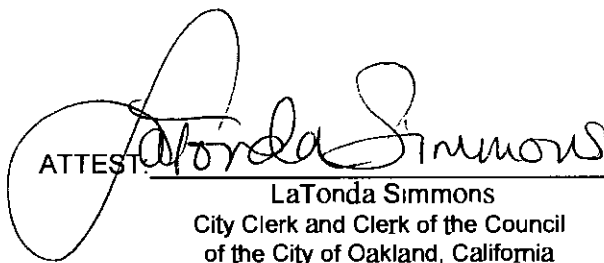
PASSED BY THE FOLLOWING VOTE:

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

Introduction Date **OCT 15 2013**

DATE OF ATTESTATION: 11 - 7 - 13

FILED
OFFICE OF THE CITY CLERK
OAKLAND

13 SEP 26 PM 12:35

NOTICE & DIGEST

ORDINANCE AUTHORIZING PAYMENT FOR CITY OWNED PROPERTIES WITHIN CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2013-1 (WILDFIRE PREVENTION DISTRICT) IN FISCAL YEARS 2014/15 THROUGH 2023-24, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) PER FISCAL YEAR, SUBJECT TO ANNUAL APPROPRIATION

Adoption of this ordinance will authorize the City Administrator to annually contribute \$150,000 to City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District) for fire prevention and preparedness services on City-owned properties location within the District for a ten (10) year period, subject to annual appropriation, commencing in fiscal year 2014/15 and ending in Fiscal Year 2023-24.