

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

**RESOLUTION CONFIRMING THE CITY OF OAKLAND
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT (LLAD)
FISCAL YEAR (FY) 2022-23 ENGINEER'S REPORT AND THE LEVYING
OF ASSESSMENTS**

WHEREAS, pursuant to the California Streets and Highways code, Sections 22500, et seq known as the Landscaping and Lighting Act of 1972 (the "Act"), the City Administrator filed with the City Clerk and presented before Council, on April 19, 2022, reports for the continuation of the Landscape and Lighting Assessment District in order to raise funds for the installation, maintenance and servicing of public landscaping and lighting; and

WHEREAS, on March 15, 2022, pursuant to Resolution No. 89079 C.M.S., the City Council initiated the Fiscal Year 2022-23 assessment process for the Landscaping and Lighting Assessment District (the "District"), and on April 19, 2022, declared the intention to levy and collect the annual District assessment; and

WHEREAS, pursuant to Sections 22500 and following the Act, the City took a series of actions preliminary to ordering the establishment of the District and did establish such District on June 23, 1989; and

WHEREAS, pursuant to Sections 22500 and following the Act, the City has renewed the District each subsequent year; and

WHEREAS, the voters of the City of Oakland previously approved the continuation of the District, in accordance with Article XIID, Section 5, of the California Constitution (Proposition 218); and

WHEREAS, the District Engineer has filed an Engineer's Report for the District confirming the applicability of the existing assessment rates for Fiscal Year 2022-23; and

WHEREAS, Tuesday, May 17, 2022, at the hour of 1:30 p.m. was fixed and properly noticed as the day and hour for the City Council to hear and pass on said reports, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the costs of certain public maintenance and improvements equitably only among those citizens and businesses benefiting from such city programs; and

WHEREAS, the Engineer's Report was prepared in accordance with the provisions of Article XIII of the California Constitution and state law; and

WHEREAS, the Engineer's Report, incorporated by this reference, provides for services of particular benefit to the properties located within the District (as more specifically identified in the Engineer's Report); and

WHEREAS, the City's Budget annually appropriates funding from non-District funds to pay for a low-income rebate; and

WHEREAS, the City's and Successor Agency's budgets annually appropriates funding from non-District funds to pay for the District's assessment on City and Successor Agency properties; now, therefore be it

RESOLVED: That the City Council finds that the City Clerk or the City Administrator gave notice of these proceedings as required by state law, and gave all other notices and took all other actions required by law with regard thereto; and be it

FURTHER RESOLVED: That a Public Hearing was held on May 17, 2022 by teleconference to hear all public comments, protests, and thereafter to take final action as to the annual assessment for the District; and be it

FURTHER RESOLVED: That at the Public Hearing the testimony of all interested persons for or against the furnishing of the specified types of improvements or activities and the imposition of the annual assessment for the District was heard; and be it

FURTHER RESOLVED: That all protests, both written and oral, are hereby overruled and denied, and the City Council finds that there is not a majority protest within the meaning of the law; and be it

FURTHER RESOLVED: That the City Council finds, determines and declares that the District and each parcel therein is benefited by the improvements, maintenance, and activities funded by the assessment to be levied, including all expenses incurred incidentally thereto, upon the lots and parcels of real property in proportion to the estimated benefits to be received as specified in the Engineer's Report; and be it

FURTHER RESOLVED: That the Engineer's Report for the District and the proposed assessment district boundary description, assessment roll and map is accepted and approved, and the assessments shall be as provided for in the Engineer's Report and assessment roll. The reasons for the assessments and the types of improvements, activities and services proposed to be funded and provided by the levy of assessments on property in the District and the time period for which the proposed assessments are to be made are those specified in the Engineer's Report; and be it

FURTHER RESOLVED: That the report which the District Engineer filed with the City Clerk for the continuation of the Landscape and Lighting Assessment District for the FY 2022-23, and the diagram and assessment as set forth in the Engineer's Report and each component part of it, including each exhibit incorporated by reference in the report and the levying of each individual

assessment as stated in the Assessment Roll described therein, as modified to reflect no increases in the assessment, is hereby accepted and confirmed; and be it

FURTHER RESOLVED: That upon approval of the Landscape and Lighting Assessments, the City Administrator shall present an itemized report to the Alameda County Auditor-Controller Agency, State of California, to be placed on the Fiscal Year 2022-23 County Tax Roll and take whatever other action necessary to collect the assessments.

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IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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