

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 JUN -5 AM 10:51

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Budget Office
DATE: June 17, 2008

RE: **Report Transmitting a Resolution Confirming the Information in the Annual Report for the City Of Oakland Wildfire Prevention Assessment District for Fiscal Year 2008-09 and Levying of the Assessments**

SUMMARY

Pursuant to the Oakland Fire Suppression, Prevention and Preparedness District Ordinance of 2003 (Ordinance No. 12556 C.M.S.), a resolution has been prepared accomplishing the following:

- Accepting the Annual Report for the City of Oakland Wildfire Prevention Assessment District, FY 2008-09, which is attached to this report;
- Confirming the levying of assessments for the Wildfire Prevention Assessment District (WPAD) in FY 2008-09;
- Directing the City Administrator to ensure that the itemized assessment roll is submitted to the Alameda County Auditor-Controller for inclusion in the FY 2008-09 property tax roll.

Staff recommends that the City Council adopt the resolution following the public hearing on the continuation of the WPAD, scheduled for June 17, 2008 at 7:00 p.m.

FISCAL IMPACT

There is no direct fiscal impact from City Council action on this report. However, City Council action does affect the process for assessing and collecting revenues from the WPAD for FY 2008-09. For FY 2008-09, the City anticipates revenues of approximately \$1.7 million from the WPAD. WPAD revenues are used to fund fire suppression, prevention and preparedness services and programs in the Oakland hills.

The cost of preparing the Annual Report is included in the contractual agreement with Francisco & Associates, Inc., approved by the City Council on April 3, 2007, Resolution No. 80504 C.M.S.

BACKGROUND

The City of Oakland formed the Wildfire Prevention Assessment District in January 2004 to finance the costs and expenses related to fire suppression, prevention and preparedness services and programs in the Oakland hills. The legislation forming the WPAD provides for the creation

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of a Citizens Advisory Committee, which takes responsibility for preparing a budget for Council approval and recommending program priorities. The Annual Report contains the Advisory Committee's program proposals and the associated budget for the assessment proposed to be levied in the upcoming fiscal year. The Annual Report also sets forth the proposed amounts of the assessment on each parcel. Additional steps are described below:

1. Approve the Annual Report and adopt a resolution of intention. The resolution of intention declares the City Council's intention to levy and collect assessments within the WPAD for the fiscal year, and sets a date, hour and place for a public hearing. The resolution also transmits the Annual Report. WPAD Advisory Committee program and budget proposals are incorporated into the Annual Report; the Report also specifies the assessment amounts per type of parcel. (This step is the subject of this report and resolution.)
2. Conduct the public hearing affording all interested parties the opportunity to hear and be heard. Approval of this resolution will establish a public hearing date of Tuesday, June 17, 2008 at 7:00 p.m.
3. Adopt a resolution confirming the information in the Annual Report and the levy of the assessment within the WPAD for the fiscal year.

The City of Oakland collects the WPAD assessment through the County of Alameda property tax bill. Upon fulfillment of the requirements for the WPAD, the City of Oakland must submit the assessments to the Alameda County Auditor for inclusion in the FY 2008-09 property tax roll.

KEY ISSUES AND IMPACTS

The purpose of the resolution is to confirm the information presented in the Annual Report and levy assessments within the WPAD for FY 2008-09. The resolution also authorizes the City Administrator to direct the District Engineer to submit an itemized report of the FY 2008-09 assessments to the Auditor-Controller of the County of Alameda to be placed on the FY 2008-09 property tax roll. The District Engineer has evaluated all parcels within the WPAD benefit zones and determined the appropriate assessment amounts.

WPAD Assessments

The table below details the annual assessment rates by development and land use status. Assessments are proposed to remain unchanged, as there is no provision in the ordinance for a Consumer Price Index (CPI) increase.

There is one attachment (Appendix B) to the Annual Report that is not included with this report. Appendix B is the FY 2008-09 Assessment Roll, a document that lists all properties within the assessment district by Assessor's Parcel Number, provides each property's use code, and

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indicates the property's assessment amount. The FY 2008-09 Assessment Roll is on file with the City Clerk.

Summary of FY 2008-09 Assessments for the Oakland Wildfire Prevention Assessment District	
	Annual Assessment
<u>Developed Land Use</u>	
Single Family Residential	\$65.00 per Parcel
Condominium/Townhouse	\$48.75 per Unit
Multi-Family (Apartments) and Mobile Homes	\$32.50 per Unit
Commercial, Industrial, Public Institutional, Recreational, Utility	\$274.95 per Acre
<u>Improved Land Use</u>	
Commercial, Industrial, Public Institutional, Recreational, Utility	\$82.49 per Acre
<u>Undeveloped Land Use</u>	
Single Family Residential	\$16.25 per Parcel
Commercial, Industrial, Condominium/Townhouse Institutional, Recreational, Utility, Multifamily, Mobile Home	\$68.74 per Acre
Public	\$34.37 per Acre

WPAD Proposed Budget

The Annual Report included with the staff report presents the WPAD Citizens Advisory Committee's proposed budget. This budget estimates total resources of \$1,801,202 versus a budget of \$1,701,202, which would leave a balance of \$100,000 at the end of FY 2008-09.

Cost estimates for the various WPAD programs were prepared by the City of Oakland Fire Department with input from the Wildfire Prevention Assessment District Citizens Advisory Committee. The Oakland Wildfire Prevention Assessment District will provide the following services described below.

- **Goat Grazing** –Utilizes herds of goats to clear the excess brush that allows fires to spread rapidly. The goats remove vegetation from the large public open space areas within the assessment district boundaries.
- **Property Owner Chipping Services** – This program assists private property owners by providing a convenient way to dispose of tree branches, brush and other yard waste that can fuel fires. The district will provide crews to process private property owners' yard waste into wood chips or mulch for the owners' use, or provide other means of disposal.
- **Vegetation Management** – Private contractors and city crews would provide the district's vegetation reduction and management programs where the goats are not able to graze. This

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includes open space and canyon hill parcels, firebreaks and roadside clearance along public streets and evacuation routes within the district. Additionally, fire companies and vegetation management inspectors annually inspect district properties to identify those that are in violation of the Oakland Fire Code. The inspectors will notify non-compliant property owners and after conducting re-inspections, non-compliant property owners will be charged the cost of having contractors bring the private property back into compliance.

- **Fire Prevention Education & Training** – Public Outreach staff will provide special training to district neighborhoods and schools, to assist in preventing fires, defensible space planning and planning safe evacuation routes in the event of a fire.
- **Roving Fire Patrols** – This program will provide additional fire patrols to monitor properties within the boundaries of the assessment district during high fire hazard days to monitor, correct and report potential fire hazards to the Fire Department.

City Council Resolution No. 79185 C.M.S. (May 3, 2005) provided the City Administrator with the following:

- Authority for the WPAD board, or the City Administrator, to reallocate funds in program areas to address time sensitive needs;
- Authorization to adjust the WPAD budget when the tax assessment allocation is lower than projected; and
- Authorization to re-allocate prior year, unspent fund balances.

The Act requires that a special separate fund be established for the revenues and expenditures of the District. Any balance remaining on June 30 must be carried over to the next fiscal year unless the funds are being accumulated for future capital improvements and operating reserves for this district. On June 30, 2008 it is estimated that \$95,137 will be unspent from FY 2007-08 and will be available for use in FY 2008-09. Assessment revenues can only be used for the fire prevention programs and services listed in the WPAD Annual Report and cannot be diverted to other uses. City staff, with citizen input, reviews the effectiveness of each fire prevention program to determine if there should be an increase or decrease in funding or whether the program should be eliminated. The proposed listing of fire prevention programs and their corresponding budgets are presented to City Council for their review and approval annually.

Each fiscal year the City will have an independent audit conducted to ensure that assessment revenues were only expended on the authorized services and programs stated herein. The results of each independent audit are available for public inspection.

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Public Hearing

Pursuant to the Oakland Municipal Code, the City Council must hold a public hearing to provide an opportunity for any interested party to be heard. The public hearing has been set for Tuesday, June 17, 2008 at 7:00 p.m., or as soon thereafter as the item may be heard, in the City Council Chambers.

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 CITIZEN ACCESS

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

RECOMMENDATION(S) AND RATIONALE

Staff recommends that the City Council approve the proposed resolution.

ACTION REQUESTED OF THE CITY COUNCIL

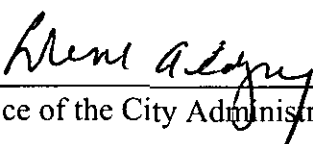
Staff recommends that the City Council approve the attached Resolution Confirming the Information in the Annual Report for the City of Oakland Wildfire Prevention Assessment District for Fiscal Year 2008-09 and Levying of the Assessments.



SARAH T. SCHLENK
Budget Director

Prepared by:
Gilbert A. Garcia, Assistant Budget Director
City Administrator's Budget Office

APPROVED AND FORWARDED TO THE
CITY COUNCIL

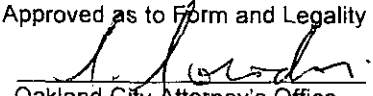

Office of the City Administrator

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OAKLAND

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Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION CONFIRMING THE INFORMATION IN THE ANNUAL REPORT FOR THE CITY OF OAKLAND WILDFIRE PREVENTION ASSESSMENT DISTRICT FOR FISCAL YEAR 2008-09 AND LEVYING OF THE ASSESSMENTS

WHEREAS, the City of Oakland Wildfire Prevention Assessment District (WPAD) was established on January 20, 2004 under the authority of the Oakland Fire Suppression, Prevention and Preparedness District Ordinance of 2003 (Ordinance No. 12556 C.M.S.); and

WHEREAS, pursuant to the Oakland Fire Suppression, Prevention and Preparedness District Ordinance of 2003 (Ordinance No. 12556 C.M.S.) on April 15, 2008, the City Council adopted the resolution (Resolution No. 81217 C.M.S.) initiating the FY 2008-09 assessment process for the City of Oakland Wildfire Prevention Assessment District and authorizing the City Administrator to order an Annual Report; and

WHEREAS, pursuant to the Oakland Fire Suppression, Prevention and Preparedness District Ordinance of 2003 (Ordinance No. 12556 C.M.S.) on April 29, 2008, the City Council adopted the resolution (Resolution No. 81258 C.M.S.) of intention and accepting the Fiscal Year 2008-09 Preliminary Annual Report for the City of Oakland Wildfire Prevention Assessment District and setting a date for a public hearing; and

WHEREAS, pursuant to the Oakland Fire Suppression, Prevention and Preparedness District Ordinance of 2003 (Ordinance No. 12556 C.M.S.) the City Administrator has filed with the City Clerk and presented before the City Council, on June 17, 2008, reports for the continuation of the District in order to finance the costs and expenses related to fire suppression, prevention and preparedness services and programs in the Oakland hills; and

WHEREAS, all the area of land to be assessed is located within the City of Oakland, Alameda County; and

WHEREAS, assessment rates will not exceed the rates established in FY 2004-05; and

WHEREAS, Thursday, June 17, 2008, at the hour of 7:00 p.m., was fixed and properly noticed as the day and hour for the City Council to hear and pass on said reports; now, therefore be it

RESOLVED: That the City Council accepts and confirms the Annual Report filed with the City Clerk and scheduled before the City Council on June 17, 2008, for the continuation of the Wildfire Prevention Assessment District; and the diagram and assessment as set forth in the Final Annual Report for FY 2008-09 and each component part of it, including each exhibit incorporated by reference in the report; and be it

FURTHER RESOLVED: That the City Council confirms the levying of each individual assessment for FY 2008-09 as stated in the Assessment Roll prepared by the District Engineer; and be it

FURTHER RESOLVED: That the City Administrator is authorized to direct the District Engineer to present an itemized report of the FY 2008-09 Wildfire Prevention Assessment District assessments to the Auditor-Controller of the County of Alameda, State of California, to be placed on the FY 2008-09 property tax roll.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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