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CITY OF OAKLAND
CITY COUNCIL

LEGISLATIVE ANALYST MEMORANDUM

To: President Brunner and Members of the City Council
From: Sabrina Landreth, Legislative Analyst
Date: March 31, 2009
Re: 2009 Lighting, Parks and Trees Emergency Health and Safety Measure

This Supplemental Report responds to the following issues raised about the proposed Parcel Tax at the March 10, 2009 Finance committee:

1. The parcel tax, in conjunction with the Landscaping and Lighting Assessment District (LLAD) funding and other funding sources, would support a "baseline" of 165.00 FTE (Full Time Equivalents) for LLAD-related maintenance. Attachment A indicates, by program, those FTE.

Funding generated by the LLAD, Parcel Tax and other sources would cover the cost of the baseline 165.00 FTE and associated operations and maintenance (O&M) expenses for the medians, parks, open space listed in Attachment B, as well as the streetlights and trees before the 2008 October revised FY 2008-09 Budget. The baseline FTE and associated Performance Standards (below) do not include additions of new parks, streetscapes, medians, trees or streetlight assets. When new or renovated medians, parks or open space are added, new funding and FTE for its maintenance would need to be found.

Future year funding of the baseline FTE number could be potentially challenging due to a number of factors as noted below:

- Some of the funding that pays for the baseline FTE, such as the Comprehensive Clean-up Fund, comes from revenue that may vary from year-to-year or be for restricted uses. For reference, the FTE are broken down by funding source in Attachment A.
- Since only the proposed Parcel Tax and the Comprehensive Clean-up Fund have an annual cost of living index, the other funding sources could be out of balance after one fiscal year. Additionally the annual Bay Area cost of living index increases are traditionally less than those experienced by the City of Oakland.

The direction from the Finance Committee was that the Parcel Tax would not be collected if the FTE fell below the benchmark level. Below are two options for that process. The City Council is being asked to choose one of the following options or create another option.

Option A states that the parcel tax may not be collected in any year that the annual budget authorizes fewer than the 165.00 FTE benchmark for the provision, maintenance and servicing of street lighting, landscaping, public park and recreation facilities and appurtenant facilities.

Option B states that if an annual budget authorizes fewer than the 165.00 FTE benchmark for the provision, maintenance and servicing of street lighting, landscaping, public park and recreation facilities and appurtenant facilities, the Citizens Review Committee would convene and make a recommendation to the City Council as to whether the City should suspend collection of the tax. The City Council, at a public meeting, would then decide whether to suspend collection of the tax.

2. Upon passage of the 2009 Lighting, Parks and Trees Emergency Health and Safety Measure, the Performance Standards, attached as Exhibit C, will be in effect. Attachment C shows the LLAD eligible activities, describes the activities, indicates optimum service levels for each activity, then describes the service level for each activity as it existed at the beginning of FY 2008-09, before the October revise budget cuts. Although the City of Oakland has not had the funding to provide optimum standards (industry standards) in many years it is important to keep these goals in place. The standards will be reviewed in conjunction with the new Public Works Agency Cityworks work management system once data is available to document the levels the baseline FTE can achieve.

The Parcel Tax's Citizens Review Committee would conduct an annual audit of the Performance Standards, review the results and make recommendations to the City Council.

Staff chose these proposed Performance Standards because:

- They can be benchmarked back to the FY 2008-09 budget
- The units can be measured by the Public Works Agency's new Cityworks work management system
- The optimum service levels are industry standards
- The standards track the key components of park, tree and streetlighting maintenance yet not to unwieldy or complicated
- The list is easily auditable

3. At the Committee meeting staff was asked to amend the Resolution to add language to allow landlords to pass on the increase from the parcel tax to tenants. This new language is inserted in the Resolution.

Attachment A
Landscaping and Lighting Assessment District Related
Staffing Levels

PROG	FUND	FY 2008-09 ADPT. MID.	FY 2008-09 OCT. REVISE	FTE CHANGE	% CHANGE	PROPOSED LLAD RELATED FTE
PARKS, GROUNDS & MEDIANS	1010 - General Fund: General Purpose	7.90	2.00	(5.90)		7.90
	1720 - Comprehensive Clean-up	18.40	25.50	7.10		18.40
	2211 - Measure B: ACTIA	15.22	16.47	1.25		-
	2310 - Lighting and Landscape Assessment District	56.48	33.48	(23.00)		55.48
PARKS, GROUNDS & MEDIANS Total		98.00	77.45	(20.55)	-20.97%	81.78
TREES	1010 - General Fund: General Purpose		5.00	5.00		
	2310 - Lighting and Landscape Assessment District	32.18	15.00	(17.18)		32.18
TREES Total		32.18	20.00	(12.18)	-37.85%	32.18
ELECTRICAL & ENERGY EFFICIENCY	2310 - Lighting and Landscape Assessment District	4.50	2.50	(2.00)		4.50
ELECTRICAL & ENERGY EFFICIENCY Total		4.50	2.50	(2.00)	-44.44%	4.50
FACILITIES MANAGEMENT & MAINT	2310 - Lighting and Landscape Assessment District	31.40	22.90	(8.50)		31.40
FACILITIES MANAGEMENT & MAINT Total		31.40	22.90	(8.50)	-27.07%	31.40
BUDGET ANALYSIS & OPERATIONS	2310 - Lighting and Landscape Assessment District	0.50	0.50	-		0.50
ADVISORY SERVICES	2310 - Lighting and Landscape Assessment District	0.80	0.80	-		0.80
FINANCIAL MANAGEMENT	2310 - Lighting and Landscape Assessment District	1.30	0.20	(1.10)		1.30
TECHNOLOGY MANAGEMENT	2310 - Lighting and Landscape Assessment District	0.25		(0.25)		0.25
GENERAL GOVERNMENT Total		2.85	1.50	(1.35)	-47.37%	2.85
RECREATION, CULTURAL CIVIC	2310 - Lighting and Landscape Assessment District	1.00	1.00	-		1.00
BALL FIELDS	2310 - Lighting and Landscape Assessment District	6.29	6.29	-		6.29
PARKS AND RECREATION Total		7.29	7.29	-	0.00%	7.29
KEEP OAKLAND CLEAN & BEAUTIFUL	1010 - General Fund: General Purpose	3.00		(3.00)		-
	1720 - Comprehensive Clean-up	2.50		(2.50)		-
	2310 - Lighting and Landscape Assessment District	1.00	1.00	-		1.00
KEEP OAKLAND CLEAN & BEAUTIFUL Total		6.50	1.00	(5.50)	-84.62%	1.00
MUSEUM VISITOR SERVICES	2310 - Lighting and Landscape Assessment District	4.00	2.00	(2.00)		4.00
TOTAL CHANGE IN FTE - LLAD ELIGIBLE ACTIVITIES		186.72	134.64	(52.08)	-27.89%	165.00

FUND	TOTAL PROPOSED FTE
1010 - General Fund: General Purpose	7.90
1720 - Comprehensive Clean-up	18.40
2310 - Lighting and Landscape Assessment District	138.70
Grand Total	165.00

Facility Name	Type	District	Address	Acreage
12th Street Dam	Median	3	12th Street / 5th Avenue - Fallon Street	
40th Street Median	Median	1	40th Street (Piedmont - Telegraph)	
51st Street Median	Median	1	51st Street (Broadway - Shattuck)	
Aileen Street Median	Median	1	Aileen Street / Market Street	
BART MLK Way	Median	1	Martin Luther King Jr. Way (52nd St - 63rd St)	
Bushrod Rec. Center	Park - CP	1	569 - 59th Street	10.12
Caldecott Park	Park - AF	1	6900 Broadway	6.20
Chabot Park	Park - NP	1	6850 Chabot Road	3.39
Colby Park	Park - PMP	1	431 61st Street	0.36
College/Miles Median	Median	1	College / Miles	
Driver (Jasper P.) Plaza	Plaza	1	5650 Adeline Street	0.38
FROG (Rockridge Temescal) 2003	Park -LP	1	Cavour / Clifton Street	1.16
Garber Park	Park - RCA	1	Alvarado Road / Fish Camp Road	13.00
Gateway Gardens	Park - NP	1	Caldecott Lane/Tunnel Road	0.50
Golden Gate (Rec. Center)	Park - NP	1	1075 - 62nd Street	3.70
Golden Gate Library	Library	1	5606 San Pablo Avenue	0.15
Grizzly Peak	Park - RCA	1	Grizzly Peak Blvd.	57.00
Hardy Park	Park - NP	1	491 Hardy Street	1.68
Linden Park	Park - AMP	1	998 42st Street	0.70
MacGregor (Helen) Plaza	Plaza	1	5210 West Street	0.23
Martin Luther King, Jr. Plaza (Dover) Park 2004	Park - NP	1	5707 Dover Street	1.10
Ostrander Park	Park - LP	1	6151 Broadway Terrace	2.00
Panoramic Hill	Park - RCA	1	top of Derby Street	
Piedmont Avenue Parking Lot	Parking Lot	1	4150 Howe Street	0.65
Piedmont Library	Library	1	160 41st Street	0.00
Piedmont Plaza	Plaza	1	4182 Piedmont Avenue (5 planters)	0.00
Pleasant Valley Median	Median	1	Pleasant Valley / 51st Street	
Redondo Park	Park - AMP	1	Redondo St. / Clarke St	0.00

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Ridgeway Avenue Median.	Median	1	Ridgeway Avenue / Broadway	
Rockridge / Broadway Median	Median	1	Rockridge / Broadway	
Rockridge Library	Library	1	5366 College Avenue	0.03
Rockridge Park	Park - PMP	1	6090 Rockridge Boulevard	0.24
San Pablo Median (north) 2003	Median	1	San Pablo (56th - 66th Street)	
Stanford Median	Median	1	Emeryville to 61st Street (4 segments)	2.40
Studio One	Park - SUP	1	365 - 45th Street	1.95
Temescal Library	Library	1	5205 Telegraph Avenue	0.16
Temescal Pool (ren. 2004)	Pool	1	265 45th Street	0.19
14th Avenue Median	Median	2	14th Avenue / Foothill Boulevard - 580 Freeway	
16th Avenue Overpass	Median	2	16th Avenue / 880 Freeway	
23rd Avenue Median	Median	2	Both Sides & Center of 23rd Avenue Overpass / 880	
29th Avenue Median 2005	Median	2	29th Avenue / East 9th - East 10th Streets	
5th Avenue & E 8th Triangle	Median	2	5th Avenue / East 8th Street (North East Corner)	
7th St Median	Median	2	7th Street / Fallon - 5th Avenue	
Adams Veteran's Building	Park - SUP	2	200 Grand Avenue	2.96
Aloha Plaza	Median	2	Newton Avenue / Athol Avenue	
Ardley Bank	Median	2	East 33rd Street / Eliot Street	
Athol Plaza	Park -NP	2	23 Athol Avenue	1.40
BART E.12th St.	Median	2	East 12th Street / 19th Avenue - Fruitvale Avenue	
Bayo Vista/Harrison Median	Median	2	Bayo Vista / Harrison	
Bayo Vista/Oakland Median	Median	2	Bayo Vista / Oakland	
Beaumont Avenue Median	Median	2	Beaumont Avenue / East 38th Street	
Bella Vista Park 2005 accepted 3/2006	Park - NP	2	1025 East 28th Street	1.03
Brandon Street Median	Median	2	Brandon Street / Pleasant Valley	
Brooklyn Plaza Median	Median	2	14th Avenue / Foothill Boulevard	
Calcot Place	Median	2	23rd Avenue / Calcot Place	
Capital / Merritt Median	Median	2	Capital Avenue / Merritt Avenue	
Channel Park	Park -LP	2	21 7th Street	6.60

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Chetwood Plaza	Median	2	400 Adams Street	
Chinese Gardens (Rilea, Railroad) Park	Park - SUP	2	260 6th Street	1.48
Cleveland Cascade	Park - SUP	2	Lakeshore Avenue / Cleveland Street	0.40
Clinton Square Park	Park - NP	2	1230 6th Avenue, 655 International (bui	2.26
Davie Tennis Stadium	Park - SUP	2	198 Oak Road	5.00
East 18th Street Median	Median	2	East 18th Street / Lakeshore - Park Boulevard	
East 8th Street Median	Median	2	East 8th Street / 5th avenue - 14th Avenue	
Eastlake Streetscape	Median	2	International, E. 12th	
Eastshore (Astro) Park	Park - NP	2	550 El Embarcadero / Lakeshore Avenu	6.70
Estuary Park + JLAC	Park - SUP	2	115 Embarcadero	6.66
Fairmont/MacArthur Median	Median	2	Fairmont / MacArthur Boulevard	
Francis Marion Smith (Rec. Center)	Park - NP	2	1069 Park Boulevard	1.66
Franklin (Rec. Center)	Park - CP	2	1010 - East 15th Street	2.05
Garfield Park (renovated 2004)	Park - NP	2	2260 Foothill Boulevard	2.56
Grand Avenue Parking Lot	Parking Lot	2	3270 Grand Avenue	0.70
Haddon / Prospect	Median	2	Haddon / Prospect	
Henry J. Kaiser Convention Center	Facility	2	10th Street	0.12
Highland Avenue & E. 25th	Median	2	Highland Avenue & E. 25th Street	
Lagunitas, MacArthur Median	Median	2	Lagunitas / MacArthur Boulevard	
Lakepark Parking Lot	Parking Lot	2	3195 Lakeshore Avenue	
Lakeshore @ Longridge	Park - PMP	2	3450 Lakeshore, in front of commercial	0.04
Lakeshore Avenue Median	Median	2	Lakeshore Avenue / East 15th Street & Wayne Avenue	
Lakeshore, Harvard Median	Median	2	1000, Harvard Road	
Lincoln Square Rec. Center	Park - NP	2	261 - 11th Street	1.38
Live Oak Pool	Pool	2	1055 MacArthur Boulevard	0.52
Mandana Plaza	Park - PMP	2	600 Mandana Avenue	0.50
Manzanita Rec. Center	Park - NP	2	2701 - 22nd Avenue	1.00
McKinley, Kenwyn Median	Median	2	McKinley / Kenwyn	
Morcom Rose Garden	Park - SUP	2	700 Jean Street	7.56

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Morgan Plaza	Park - AMP	2	2601 Highland Street	0.40
Oakland / Harrison Island	Median	2	1000 Oak Street	
Park Blvd Median (irrigation 2004)	Median	2	Park Boulevard / 580 Freeway - Estates Drive	
Park Blvd Plaza	Park - PMP	2	2100 Park Boulevard	0.76
Picardy Gardens	Median	2	Moss / MacArthur Median	
Pine Knoll Park	Park - SUP	2	Lakeshore Avenue / Hanover Avenue	1.15
San Antonio Park (renovated 2004)	Park - CP	2	1701 East 19th Street	11.62
Santa Clara / MacArthur	Median	2	Santa Clara / MacArthur	
Santa Clara Island at Grand Ave.	Median	2	Santa Clara / Grand Ave.	
Splashpad Median 2003	Median	2	MacArthur (Grand to Lakeshore)	
Splashpad Parking Lot	Parking Lot	2	Grand Avenue / Lakepark	
Trestle Glen Median	Median	2	Trestle Glen	
Urban Renewal	Median	2	9th Avenue - 14th Avenue	
Vantage Point Park	Park - PMP	2	1198 13th Avenue	0.40
Wayne Place Parking Lot	Parking Lot	2	343 Wayne Place	0.00
Wesley Street Median	Median	2	Lakeshore Boulevard / Wesley	
14th Street Median	Median	3	14th Street / Market Street	
18th Street Parking Lot (school of the arts)	Parking Lot	3	18th Street	
20th Street Median	Median	3	20th Street / Harrison - Webster	
24th Street Median	Median	3	24th Street	
25th Street Mini Park	Park - AMP	3	25th Street/ML King Jr Way	0.25
27th Street Median	Median	3	27th St. / Harrison - Broadway	
7th Street Extension	Median	3	7th Street/Maritime	
7th Street Median	Median	3	7th Street (Brush to Port of Oakland)	
7th Streetscape	Median	3	pending	
880 - Nimitz Frontage Road 2002	Median	3	7th to W. Grand	3.54
8th Street Streetscape 2004	Median	3	8th Street (Mandela to Wood)	
African American Museum & Library 2002	Library	3	659 14th Street	0.01
Alice Arts Center	Facility	3	1428 Alice	

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Asian Branch		Library	3	388 9th Street, #190	0.00
BART 7th Street		Median	3	7th Street / Bush Street	
BART Telegraph Alley		Median	3	21st Street / Telegraph	
Bay Place		Median	3	Bay Place / Grand - Harrison	
Bay Pointe	1999	Park - PMP	3	8th Street & Myrtle	0.16
Begin (Bishop Floyd Lawrence) Plaza		Plaza	3	2251 San Pablo Avenue	0.49
Bertha Port Tot Lot		Park - AMP	3	1756 Goss Street	0.25
Broadway Auto Row	2000	Median	3	Broadway (W.Grand to Piedmont)	0.24
Broadway Median		Median	3	Broadway / 21st & 22nd Street	
Broadway Median		Median	3	Broadway / 15th Street	
Broadway Median (lower)		Median	3	Broadway / 2nd - 12th Street	
Brush Street Median		Median	3	12th Street / Brush Street	
Center/12th Street Median		Median	3	Center / 12 Street	0.13
Chester Street Tot Lot		Park - AMP	3	327 Chester Street	0.13
Chestnut Street Cul-de-sac		Median	3	Chestnut Street/14th	
Children's Fairyland		Concession	3	699 Bellevue	
Collins Plaza		Plaza	3	West Grand / San Pablo Avenue	0.10
Cypress Memorial Park 2005		Park - NP	3	14th Street & Mandela	1.10
deFremery Pool		Pool	3	1269 18th St.	0.06
deFremery Rec. Center		Park - CP	3	1651 Adeline Street	9.40
Durant Mini Park		Park - AMP	3	29th Street / Martin Luther King Jr. Way	0.30
Fire Alarm Building		Facility	3	14th at Oak Street	0.57
Frank Ogawa Plaza	1999	Park - SUP	3	1 Frank H. Ogawa Plaza	1.00
Franklin Fountain		Plaza	3	418 22nd Street	0.00
Franklin Parking Plaza		Parking Lot	3	1719 Franklin Street	0.10
Glen Echo	(acq. 1998)	Park - LP	3	3020 Richmond Blvd.	0.44
Glen Echo Park		Park - LP	3	Panama Court / Monte Vista Avenue	0.68
Grove Shafter Park I		Park - NP	3	550 34th Street	1.21
Grove Shafter Park II		Park - NP	3	Martin Luther King Jr. Way / 36th Street	1.70

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Grove Shafter Park III	Park - NP	3	625 37th Street	2.77
Hall of Justice	Facility	3	7th Street / Broadway	
Harrison Channel	Median	3	Harrison Street / 20th Street - 27th Street	
Jefferson Square	Park - NP	3	618 Jefferson Street	1.51
Johnson, Wade Park	Park - NP	3	1250 Kirkham Street	2.64
Junior Center Arts & Science	Facility	3	558 Bellevue Avenue	
Kaiser Parking Lot	Parking Lot	3	550 - 10th Street	
Lafayette Square	Park - SUP	3	635 11th Street	1.36
Lakeside Park	Park - RSP	3	666 Bellevue Avenue	75.00
Lakeview Library	Library	3	El Embarcadero	
Latham Square	Plaza	3	Broadway / 15th Street (paved only)	0.00
Lowell Park	Park - NP	3	1180 14th Street	8.37
Madison Square	Park - SUP	3	810 Jackson Street	1.38
Mandela Parkway	Park - LP	3	Mandela 8th to Emeryville	15.10
Mandela Parkway	Park -LP	3		15.10
Market Street Median	Median	3	410 Market	
Marston Campbell Park	Park - NP	3	17th Street / West Street	2.90
McClymonds Mini Park	Park - AMP	3	2528 Linden Street	0.21
Mosswood Rec. Center	Park - CP	3	3612 Webster Street	11.00
Municipal Boathouse	Facility	3	1520 Lakeside Drive	3.00
Oak Glen Park	Park - LP	3	3390 Richmond Boulevard	3.00
Oak Park	Park - AMP	3	3239 Kempton Avenue	0.48
Oakland Main Library	Library	3	14th Street / Oak Street	0.45
Oakland Museum	Facility	3	1000 Oak Street	3.80
Peralta Park	Park -LP	3	94 E. 10th Street	2.50
Poplar Rec. Center	Park - NP	3	3130 Peralta Street	2.50
Raimondi Field	Park - AF	3	1800 Wood Street	10.02
Rotary Nature Center	Facility	3	553 Bellevue Avenue	
Sailboat House	Facility	3	568 Bellevue Avenue	

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San Pablo Median (central) 2001	Median	3	San Pablo (16th St - 34th Street)	
Snow Park	Park - NP	3	19th Street / Harrison Street	4.14
South Prescott Park 2001	Park - NP	3	3rd Street/Chester	4.60
Splash Pad 2003	Park - NP	3	Grand Avenue / Lakepark	0.19
St. Andrews Plaza	Plaza	3	34th Street / San Pablo Avenue	0.00
Telegraph Avenue Plaza	Parking Lot	3	2102 Telegraph Avenue	
Union Plaza	Plaza	3	3399 Peralta Street (2 triangles at 34th	0.39
Valdez Island	Median	3	Valdez Street	
West Grand Avenue Median	Median	3	West Grand Avenue	
West Oakland Library	Library	3	1801 Adeline Street	0.00
West Oakland Teen Center	Facility	3	3233 Market Street	
West Street Median	Median	3	West Street	
Wiley Manual Courthouse Parking Lot	Parking Lot	3	540 6th Street	
Willow Mini Park	Park - NP	3	14th Street / Willow Street	0.90
Wood Street Pocket Park	Park - PMP	3	Wood Street & 14th Street	0.28
35th Ave. Med. (East of Jordan Rd.)	Median	4	35th Avenue / Jordan Road	
35th Ave. Med. (West of California)	Median	4	35th Avenue / California - Quigley	
Allendale Rec. Center	Park - NP	4	3711 Suter Street	3.24
Avenue Terrace Park	Park - NP	4	4369 Bennett Place	0.93
Beaconsfield Canyon	Park - RCA	4	End of Beaconsfield	5.00
Brookdale Rec. Center	Park - CP	4	2535 High Street	4.66
Burlington Street Median	Median	4	Burlington Street / Lincoln Avenue	
Butters Drive Median	Median	4	3200 Joaquin Miller / Robinson Drive	
Butters Land Trust	Park - RCA	4	2 parcels (21,000 sq. ft.)	0.48
Castle Canyon June 2004	Park - RCA	4		8.90
Champion Street Median	Median	4	Champion & MacArthur	
City Stables (Vista Madera)	Park - SUP	4	13560 Skyline Blvd	7.33
Dimond Canyon	Park - RCA	4	Park Blvd.	41.00
Dimond Rec. Center	Park - CP	4	3860 Hanley Road	14.31

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Discovery Center	Facility	4	2521 High Street	0.03
Glenwood Glade Median	Median	4	Glenwood Glade	
High St. Median (Upper) /Tompkins	Median	4	High Street / Masterson - Tompkins	
Joaquin Miller Community Ctr.	Facility	4	3300 Joaquin Miller Road	
Joaquin Miller Median	Median	4	Joaquin Miller Road	
Joaquin Miller Park (Improved)	Park - RSP	4	3300 Joaquin Miller Road	140.00
Joaquin Miller Park (Unimproved)	Park - RCA	4	3300 Joaquin Miller Road	280.00
Josie De La Cruz (Sanborn) Rec. Center 2004	Park - NP	4	1637 Fruitvale Avenue	1.91
Leona Heights	Park - RCA	4	4444 Mountain Boulevard	50.00
Leona Lodge	Lodge	4	4444 Mountain Boulevard	0.81
Lions Pool	Pool	4	3860 Hanly Road	0.00
Lookout Point 2002	Park - RCA	4	Joaquin Miller Park	8.22
Marjorie Saunder - Sulphur Springs	Park - RCA	4	5750 Ascot Drive	2.00
Maxwell Park	Park - NP	4	4618 Allendale Avenue	1.28
Melrose Library	Library	4	4805 Foothill Boulevard	0.11
Montclair (Jay Ver Lee) Rec. Center	Park - CP	4	6300 Moraga Avenue	7.30
Montclair Golf Course	Concession	4	Monterey Blvd.	10.00
Montclair Library	Library	4	1687 Mountain Boulevard	0.05
Moraga,/Mountain Median	Median	4	Moraga / Mountain	
Mountain Blvd. Lot	Parking Lot	4	Mountain Blvd./Scout Road	0.00
Owen Jones Field - Pinto Park	Park - NP	4	5000 Redwood Road	3.38
Peralta Hacienda Park	Park - SUP	4	2500 34th Avenue	3.80
Redwood Creek 1997	Park - RCA	4	Balmoral	20.64
Redwood Heights Rec. Center	Park - NP	4	3731 Redwood Road	2.93
Redwood Road Med.	Median	4	Redwood Road / Skyline - Hwy. 13	
Sequoia Lodge	Lodge	4	2666 Mountain Boulevard	
Shepherd Canyon Open Space	Park - RCA	4	Shepherd Canyon Road	25.00
Shepherd Canyon Park	Park - RCA	4	Shepherd Canyon Road	25.00
Shepherd Canyon Park (Improved)	Park - NP	4	Shepherd Canyon Road	4.00

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Wood, William Park	Park - NP	4	2920 McKillop Street	5.15
35th Avenue Parking Lot	Parking Lot	5	Between 1411 & 1443 - 35th Avenue	
Alameda Avenue Trail	Park - LP	5	Alameda Avenue @Fruitvale Bridge	
Animal Control Shelter	Facility	5	29th Avenue	0.60
Burkhalter Park	Park - NP	5	4062 Edwards Avenue	3.67
Central Reservoir Park	Park - NP	5	2506 East 29th Street	3.59
Cesar Chavez (Foothill Meadows Park)	Park - NP	5	3705 Foothill Boulevard	1.60
Cesar Chavez Library	Library	5	3301 E.12th	0.00
Courtland & 42nd Median	Median	5	Courtland / 42nd Ave.	
Courtland Creek	Park - LP	5	Courtland (Thompson-Brookdale)	
Curt Flood Field	Park - AF	5	Coolidge & School	3.50
Dimond Library	Library	5	3565 Fruitvale Avenue	0.00
Foothill Meadows Ext.	Park - AMP	5	1600 38th Avenue	0.24
Fremont Pool	Pool	5	4559 Foothill Boulevard	0.66
Fruitvale Bridge Park	Park - LP	5	3205 Alameda Avenue	0.30
Fruitvale Parking Lot	Parking Lot	5	E.12th & 35th Ave	
Fruitvale Plaza	Plaza	5	1412 35th Avenue	0.10
High / Alameda Median	Median	5	High Street / Alameda	
High / Redding Median	Median	5	High Street / Redding	
High/Nimitz Median	Median	5	High Street / Alameda Avenue	
Kennedy St. Median	Median	5	Kennedy St.	
King, M.L. Library	Library	5	6833 East 14th Street	0.00
Lazear Ballfield	Park - NP	5	29th Avenue	1.31
Lazear Mini Park (turf only)	Park - PMP	5	850 29th Avenue (end of E.9th)	0.09
McCrea Park	Park - SUP	5	4460 Shepherd Street	4.80
Nicol Mini Park	Park - AMP	5	Coolidge & Nicol	0.23
Rainbow Rec. Center	Park - NP	5	5800 International	2.44
Santa Rita Land Trust	Park - RCA	5	Santa Rita/Ransom	1.02
Union Point - Cryer Annex	Park - NP	5	pending park improvements	2.54

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Union Point Park	2005	Park - NP	5	2311 Embarcadero	6.62
66th Avenue Overlook	2008	Park - PMP	6	66th Avenue & Oakport	
73rd Ave. Median		Median	6	73rd Avenue / MacArthur - East 14th Street	
Arroyo Viejo Rec. Center		Park - CP	6	7701 Krause Avenue	18.75
Bancroft Median		Median	6	Bancroft (66th Ave - 73rd Ave)	0.00
BART San Leandro		Median	6	San Leandro Boulevard (45th Ave - 81st Ave)	
Coliseum Gardens		Park - NP	6	66th Avenue/Olmsted	5.60
Concordia Park (Playground)		Park - NP	6	2901 64th Avenue	3.06
Greenman Field		Park - AF	6	1309 - 66th Avenue	6.80
Hawley Median		Median	6	Hawley / 73rd - 75th Avenue	
Martin Luther King, Jr. Library		Library	6	6833 International Blvd.	0.13
Picardy		Median	6	Picardy Drive	0.06
Rainbow Teen Center		Facility	6	5818 International	
San Leandro Blvd. BART 69th - 73rd		Median	6	Coliseum BART median	
Seminary Avenue Median		Median	6	Seminary Avenue / MacArthur - Overdale	
Storer Avenue Median		Median	6	Storer / Camden - Redding	
Tomas Melero-Smith Park		Park - AMP	6	1461 65th Avenue	0.14
73rd Ave. Cul-de-sac		Median	7	73rd Avenue / Rudsdale	
88th Ave. Mini Park		Park - AMP	7	1722 - 88th Avenue	0.30
90th Ave. Median		Median	7	90th Avenue / Thermal	
98th Ave. Cul-de-sac		Median	7	98th Avenue / Doolittle Drive	
98th Ave. Median (lower)		Median	7	98th Avenue / 880 Freeway - Pearmain	
98th Ave. Median (upper) 2002		Median	7	98th Avenue (Bancroft to 580 Freeway)	
Airport Drive Median		Median	7	Airport Drive / Doolittle Drive - Hegenberger Road	
Airport Gateway - Access Road		Median	7	under construction 2007	
Airport Gateway -Doolittle Drive		Median	7	under construction 2007	
Baldwin Median		Median	7	Baldwin / Hegenberger	
Bancroft Median (east)	2001	Median	7	Bancroft (73rd Ave- 106th Ave)	0.00
BART San Leandro (east)		Median	7	San Leandro Boulevard (82nd Ave - 105th Ave)	

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Brookfield Library	Library	7	9600 Edes Avenue	
Carney (Tyrone) Park (closed in 2002)	Park - AMP	7	10501 Acalanes Drive	0.40
Carter, Verdese Rec. Center	Park - CP	7	9600 Sunnyside Street	3.36
Columbian Gardens Park	Park - NP	7	9920 Empire Road	1.60
Columbian Garden Annex 2001	Park - NP	7	9920 Empire Road	0.37
Dolphin Mini	Park - AMP	7	1299 73rd Avenue	0.00
Dunsmuir Estate Park	Park - SUP	7	61 Covington	47.50
Dunsmuir Open Space	Park - RCA	7	rear of Revere Street	143.50
Eastmont Library	Library	7	7200 Bancroft Avenue	0.00
Elmhurst Library	Library	7	1427 - 88th Avenue	0.08
Elmhurst Tennis Courts	Park - AMP	7	9722 B Street	0.71
Elysian Fields Median	Median	7	Elysian Fields / Golf Links Road	
Eula Brinson (85th Ave.) Mini Park	Park - AMP	7	1712 - 85th Avenue	0.37
Fontaine Median	Median	7	Fontaine / Golf Links Road - Shone Avenue	
Foothill / Durant Median	Median	7	Foothill Boulevard / Durant	
Glenn Daniels (King Estates) Open Space	Park - RCA	7	8501 Fontaine Street	75.00
Golf Links Road Median	Median	7	Golf Links Road /Scotia Avenue - Grass Valley Road	
Grass Valley Field	Park - AF	7	Golf Links Road /Grass Valley	0.00
Hamilton East Median	Median	7	Hamilton / Hegenberger	
Hamilton West Median	Median	7	Hamilton / Hegenberger	
Hegenberger East	Median	7	Hegenberger/ Baldwin	
Hegenberger Road Median 2002	Median	7	Hegenberger Road / East 14th Street - Doolittle	
Hellman Rec. Area	Park - NP	7	3400 Malcolm Avenue	4.49
Holly Mini Park	Park - AMP	7	9830 Holly Street	0.37
Intercity (Amtrak) Rail Parking lot 2005	Median	7	73rd Ave./San Leandro Blvd.	
Intercity (Amtrak) Rail Parking lot 2005	Parking Lot	7	73rd Avenue/ San Leandro Blvd.	
International Median	Median	7	International 81st Ave to 90th Ave.	
International Median 1998	Median	7	East 14th Street (81st - 104th Avenue)	
Ira Jinkins (Brookfield) Rec. Center	Park - CP	7	525 Jones Avenue	14.00

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Keller Avenue Median 2001 landscaping	Median	7	Keller Avenue / Mountain Blvd - Skyline Blvd	
Knowland Park	Park - RCA	7		291.00
Knowland Park (Improved)	Park - SUP	7		192.00
Lake Chabot Golf Course	Concession	7	End of Golf Links Road	182.00
Lions Field (OUSD)	Park - AF	7	99th Avenue/D	2.80
MacArthur Median 2003	Median	7	MacArthur (96th Ave Palm Gardens project)	
Metropolitan Golf Links (2003)	Concession	7	10051 Doolittle Drive	166.00
Municipal Service Center	Facility	7	7101 Edgewater Drive	1.64
Oakport Field	Park - AF	7	Oakport Road, North of 66th Avenue	8.00
Officer Willie Wilkins (Elmhurst) Park	Park - NP	7	9700 C Street	2.04
Otis Spunkmeyer Field 1996	Park - AF	7	Doolittle Drive @ Harbor Bay	5.00
Peralta Oaks Median	Median	7	10750 Peralta Oaks	0.36
Peralta Oaks Park	Park - NP	7	10750 Peralta Oaks	0.52
Railroad Avenue	Median	7	pending	
San Leandro Blvd. Landscape 2001	Median	7	San Leandro to City Limits	
San Leandro Underground	Median	7	San Leandro Blvd/Apple	
Sheffield Rec. Center	Park - NP	7	247 Marlow Drive	1.34
Sobrante Park	Park - NP	7	470 El Paseo Drive	4.50
Stonehurst Park	Park - NP	7	10315 East Street	3.90
Tassafioranga Rec. Center	Park - NP	7	975 85th Avenue	2.5
Zoo	Concession	7	9777 Golf Links Road	483.00

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Park Maintenance, Streetlighting and Tree Performance Standards

Work Activity	Activity Description	Optimum Level of Service	July 2008 Level of Service*
Inspect playground equipment	Check the operation and stability of the equipment, especially for wear (e.g. bearings, moving joints, splinters, rust and wear). Identify, record and highlight for action any aspect that may cause harm	Formal written inspection of playground structures is accomplished on a monthly basis. Informal inspections are conducted five times a week.	200 health and safety inspections of the City's approximately 75 play structures are conducted annually.
Mowing	Mow turf to maintain grass height according to species and variety of grass.	Turf is mowed once a week during growing season and once every two weeks during the non-growing season.	Turf is mowed every two (2) weeks during the growing season and once every three (3) during the non-growing season.
Edging of turf	Edge turf to maintain a clear appearance and pedestrian safety along pathways	All lawns, nature areas, low-growing ground cover areas, paved areas, curbs, and header boards are edged bi-monthly, except for the non-growing season when edging is performed as needed.	Some lawns, nature areas, low-growing ground cover areas, paved areas, curbs, and header boards are edged.
Aeration of turf	Turf is aerated to alleviate soil compaction and improve infiltration of water and penetration of plant nutrients	All turf is aerated once a year	Ballfield turf is aerated once a year.
Fertilization of turf	Turf is fertilized to provide adequate nutrients and optimum growth	All turf areas are fertilized at least once per year, in April, with a balanced product.	Some turf areas are fertilized as needed, in April, with a balanced product.

* Cityworks work management system will allow Public Works to track quantities that are currently not tracked.

Work Activity	Activity Description	Optimum Level of Service	July 2008 Level of Service*
Sprinkler system inspection	Water meters, sprinklers and controllers are checked for proper operation. Make necessary adjustments for unimpeded coverage and to minimize over-spray and water waste	Water meters, sprinklers and controllers are checked weekly for proper operation	Water meters, sprinklers and controllers are checked once a month for proper operation
Litter control	Litter is removed from turf, shrub, groundcover areas, pathways and parking lots	Litter control is provided three to five (3-5) times a week depending on the traffic and visitation of the parks.	Litter control is provided two (2) times a week depending on the traffic and visitation of the parks.
Restrooms	Restrooms are cleaned so that they will be clean for users including scrubbing, stocking dispensers, emptying trash receptacles and removing graffiti	Restrooms are cleaned daily and twice daily in high use areas	Restrooms are cleaned daily
Shrub pruning	Shrubs are thinned out and shaped when necessary to insure proper growth and prevent wind and storm damage	Shrubs are pruned once a year	Shrubs are pruned as needed for health and safety concerns.

* Cityworks work management system will allow Public Works to track quantities that are currently not tracked.

Work Activity	Activity Description	Optimum Level of Service	July 2008 Level of Service*
Weed removal	Weeds are removed from landscaped areas using gas powered hand tools	Weeding is performed weekly during spring and summer months	Weeding is performed every two to three (2-3) weeks or as needed.
TREES			
Tree pruning	Median, park and street trees are pruned to reduce risk of limb and tree failure and to provide clearance for vehicles, pedestrians and lights and utilities.	The City's approximately 50,000 median, park, street and sidewalk trees are pruned on a 5 year cycle or approximately 10,000 per year	Approximately 4,500 trees are pruned per year.
Tree planting	Trees provide benefits to the City and its residents and are planted to improve the City or replace trees that are removed.	Plant 2,500 trees per year. Only median, park and commercial trees are watered by the City.	Plant 1,000 trees per year. Only median, park and commercial trees are watered by the City.
Hazard abatement of unofficial trees	Trees growing on the public right of way along streets without sidewalks are unofficial and the City prunes or removes those trees to reduce risk to the public.	Remove 300 hazardous trees per year. Prune 500 unofficial trees per year to reduce risk and/or improve vehicle clearance.	Remove 150 hazardous trees per year. Prune 250 unofficial trees per year to reduce risk and/or improve vehicle clearance.

* Cityworks work management system will allow Public Works to track quantities that are currently not tracked.

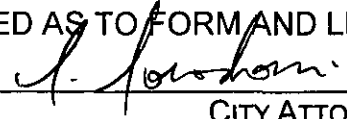
Work Activity	Activity Description	Optimum Level of Service	July 2008 Level of Service*
STREETLIGHTS			
Streetlight outages	Streetlights are repaired to provide visibility and safety	Streetlights are repaired within 24 hours of notice	Streetlights are repaired within 72 hours of notice
Streetlight poles	Knocked down streetlight poles are removed and replaced on the right-of-way to provide visibility and safety	Knocked down streetlight poles are removed immediately and replaced within seven (7) days of notice	Knocked down streetlight poles are removed immediately and replaced within fifteen (15) days of notice

* Cityworks work management system will allow Public Works to track quantities that are currently not tracked.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

INTRODUCED BY COUNCILMEMBER QUAN
2009 MAR 19 PM 5:00

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION SUBMITTING, ON THE CITY COUNCIL'S OWN MOTION, TO THE ELECTORS AT A SPECIAL MUNICIPAL ELECTION THAT IS NOT LESS THAN 88 DAYS AND NO MORE THAN 150 DAYS AFTER THE DATE THE COUNCIL PASSES THIS RESOLUTION, A PROPOSED ORDINANCE CREATING THE 2009 LIGHTING, PARKS AND TREES EMERGENCY HEALTH AND SAFETY MEASURE AND PARCEL TAX; AND DIRECTING THE CITY CLERK TO FIX THE DATE FOR SUBMISSION OF ARGUMENTS AND PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE NEXT MUNICIPAL SPECIAL ELECTION AND ESTABLISHING PERFORMANCE STANDARDS IF THE PARCEL TAX IS APPROVED BY THE VOTERS

WHEREAS, at the general election of November 2, 1996, the voters of the State of California amended the state constitution, adding Article XIII C, which requires that all new or increased special taxes be submitted to the voters prior to becoming effective,

NOW, THEREFORE BE IT RESOLVED:

That the City Council of the City of Oakland does hereby submit to the voters at the a special municipal election that is not less than 88 days and no more than 150 days after the date the Council passes this resolution, an ordinance, which reads as follows:

PART 1. GENERAL

Section 1. TITLE AND PURPOSE.

- A) Title. This ordinance may be cited as the "2009 Lighting, Parks and Trees Emergency Health and Safety Measure."
- B) Purpose. The taxes imposed or increased under this ordinance are solely for the purpose of raising revenue necessary to provide, maintain, and service street lighting, landscaping, trees, public park and recreation facilities and appurtenant facilities in the City of Oakland.

The parcel tax imposed is not an ad valorem tax on real property, nor a transaction tax or sales tax on the sale of real property. Because the proceeds of the tax will be deposited in a special fund restricted for the services and programs specified herein, the tax is a special tax.

1. Nothing in this ordinance is intended to preclude owners from recovering the tax from the occupant. Whether the occupant is charged depends on the occupancy agreement and the requirements of the Residential Rent Adjustment Program.

2. It is not feasible for the City to collect the tax from the non-owner occupants on whom it is imposed because the records available to the City do not include the names of non-owner occupants. Therefore, the only practical way to collect a tax imposed on occupants is to collect it from the owners of the occupied properties.

Section 2. USE OF PROCEEDS

The tax proceeds raised by this ordinance may only be used for the provision, maintenance, and servicing of street lighting, landscaping, trees, public park and recreation facilities and appurtenant facilities. This includes, but is not limited to

- A) paying for the cost of personnel, utilities such as energy and water, materials, contractual services and other items necessary for the facilities and assets located within the incorporation limits of the City of Oakland,
- B) the furnishing of services, labor, and materials for the ordinary and usual operations, maintenance and servicing including repair, removal or replacement of all or part of any of the landscaping, trees, street lighting, public park and recreational facilities, or appurtenant facilities,
- C) providing for the life, growth, health, and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, and treating for disease or injury, and the removal of trimmings, rubbish, debris, and other solid waste,
- D) furnishing of water for the irrigation of the landscaping,
- E) maintenance of any street lighting facilities or appurtenant facilities, or
- F) the furnishing of electric current or energy, gas, or other illuminating agent for the street lighting, public park, and recreational facilities or appurtenant facilities.

Tax proceeds raised by the Ordinance also may be used for audit, oversight and engineer as set forth in Part 2, Sections 1 and 4, below.

PART 2. AUDIT AND OVERSIGHT,

Section 1. ANNUAL AUDIT AND ENGINEER.

An independent audit shall be performed to assure accountability and the proper disbursement of the proceeds of this tax in accordance with the objectives stated herein in accordance with Government Code sections 50075.1 and 50075.3. The audit shall include:

- (a) The amount of funds collected and expended.
- (b) The status of the provision, maintenance, and servicing of any street lighting, landscaping, trees, public park and recreation facilities and appurtenant facilities funded by this tax.

Tax proceeds may be used to pay for the audit. The City will, from time to time, retain an engineer for services pertaining to this parcel tax.

Section 2. PERFORMANCE STANDARDS.

Performance standards shall be established every two years by the City Council. An evaluation of these standards shall be submitted to the City Council and be available for public review on an annual basis

Section 3. SPECIAL FUND

All funds collected by the City from the taxes imposed by this ordinance shall be deposited into a special fund in the City treasury and appropriated and expended only for the purposes authorized by this Ordinance.

Section 4. CITIZENS REVIEW COMMITTEE

To ensure proper administration of the revenue collection and spending, and the implementation of the programs mandated by this ordinance, nine members of a "Citizens Review Committee" shall be appointed and confirmed by the Mayor and City Council. The committee shall be composed of at least one individual that lives in each City Council district. The committee shall meet at least annually and may recommend performance standards for maintenance and servicing parks, streetlights and trees. The committee shall also meet annually to review the annual audit and after such review make recommendations.

Section 5. SAVINGS CLAUSE.

If any provision, sentence, clause, section or part of this ordinance is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intention of the City, that the City would have adopted this ordinance had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

If any tax or surcharge imposed by this ordinance is found to be unconstitutional, illegal or invalid, the amounts, services, programs and personnel (as set forth in Part 2) required to be funded from such taxes and surcharges shall be reduced proportionately by any revenues lost due to such unconstitutionality, illegality or invalidity.

Section 6. REGULATIONS.

The City Council is hereby authorized to promulgate such regulations or ordinances as it shall deem necessary in order to implement the provisions of this ordinance.

Section 7. NO AMENDMENT.

The tax rates may not be amended by action of the City Council without the applicable voter approval.

Section 8. CHALLENGE TO TAX.

Any action to challenge the taxes imposed by this ordinance shall be brought pursuant to Government Code section 50077.5 and Code of Civil Procedure section 860 et seq.

Section 9. Minimum Authorization.

[Option A.

No tax authorized by this ordinance may be collected in any year that the City's annual budget authorizes less than 165 full time employee equivalent positions for the provision, maintenance and servicing of street lighting, landscaping, public park and recreation facilities and appurtenant facilities.]

[Option B.

If the City's annual budget authorizes less than 165 full time employee equivalent positions for the provision, maintenance and servicing of street lighting, landscaping, public park and recreation facilities and appurtenant facilities, then the Citizens Review Committee shall convene and make a recommendation to the City Council as to whether the City should suspend collection of the tax. The City Council, at a public meeting, shall then decide whether to suspend collection of the tax.]

PART 3. PARCEL TAX

Section 1. DEFINITIONS.

For purposes of this part only, the following terms shall be defined as set forth below:

(A) "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "Building" includes the word "structure."

(B) "Family" shall mean one or more persons related by blood, marriage, domestic partnership, or adoption, who are living together in a single residential unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single Residential Unit and maintain a common household.

(C) "Hotel" shall mean as defined by Oakland Municipal Code section 4.24.020.

(D) "Multiple Residential Unit Parcel" shall mean a parcel used for a building, or those portions thereof, that accommodates or is intended to contain two or more residential units. This includes condominiums.

(E) "Non-Residential" shall mean all parcels that are not classified by this ordinance as Residential Parcels, and shall include, but not be limited to, industrial, commercial and institutional improvements, whether or not currently developed.

(F) "Occupancy" shall be as defined by Oakland Municipal Code section 4.24.020.

(G) "Operator" shall be as defined by Oakland Municipal Code section 4.24.020.

(H) "Owner" shall mean the Person having title to real estate as shown on the most current official assessment role of the Alameda County Assessor.

(I) "Parcel" shall mean a unit of real estate in the City of Oakland as shown on the most current official assessment role of the Alameda County Assessor.

(J) "Person" shall mean an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(K) "Possessory Interest" as it applies to property owned by any agency of the government of the United States, the State of California, or any political subdivision thereof, shall mean possession of, claim to, or right to the possession of, land or improvements and shall include any exclusive right to the use of such land or improvements.

(L) "Residential Unit" shall mean a Building or portion of a Building designed for or occupied exclusively by one Family.

(M) "Single Family Residential Parcel" shall mean a used for a single-family residence.

(N) "Transient" shall mean any individual who exercises Occupancy of a hotel or is entitled to Occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any individual so occupying space in a Hotel shall be deemed to be a Transient until the period of thirty (30) consecutive days as elapsed.

Section 2. IMPOSITION OF PARCEL TAX.

There is hereby imposed a special tax on all Owners of parcels in the City of Oakland for the privilege of using municipal services and the availability of such services. The tax imposed by this Section shall be assessed on the Owner unless the Owner is by law exempt from taxation, in which case, the tax imposed shall be assessed to the holder of any Possessory Interest in such parcel, unless such holder is also by law exempt from taxation. The tax is imposed as of July 1 of each year on the person who owned the parcel on that date.

The tax hereby imposed shall be at the following rates, subject to annual adjustment as provided in Section 5:

(A) For owners of all Single Family Residential Parcels, the tax shall be at the annual rate of \$46.00 (forty-six dollars) per Parcel.

(B) For owners of all Multiple Residential Unit Parcels, the tax shall be at the annual rate of \$34.50 (thirty-four dollars and fifty cents) per occupied Residential Unit. Owners of units that are vacant for six months or more per year, may apply to the Director of Finance to have the rate reduced by 50% to \$17.25 (seventeen dollars and twenty-five cents) per vacant Residential Unit located on the Parcel.

(C) The tax for a Non-Residential Parcels is calculated using both frontage and square footage measurements to determine total Single Family Residential Unit Equivalents. The tax rate for Non-Residential Parcels is \$56.00 (fifty-six dollars) per Single Family Residential Unit Equivalents ("SFE"). The tax for a Non-Residential Parcels is calculated using both frontage and square footage measurements. To calculate the tax for a non-residential parcel, first determine the land use category of the parcel. Second, take the parcel's frontage measurement and divide that number by the frontage denominator for the parcel's land use category (see matrix). This number will be the Single Family Residential Unit Equivalent for the parcel's frontage. Third, take the parcel's square footage measurement and divide that number by the area denominator for the parcel's land use category (see matrix). This number will be the Single Family Residential Unit Equivalent for the parcel's area. Add the Single Family Residential Unit Equivalent for the parcel's frontage to the Single Family Residential Unit Equivalent for the parcel's area. This number will be the parcel's total Single Family Residential Unit Equivalent. Multiply the total Single Family Residential Unit Equivalent times the tax rate for the year. This number will be the annual tax for the parcel.

LAND USE CATEGORY	FRONTAGE DENOMINATOR	AREA DENOMINATOR (SQUARE FEET)
Commercial/Institutional	80	6,400
Industrial	100	10,000
Public Utility	1,000	100,000
Golf Course	500	100,000
Quarry	1,000	250,000

Example: assessment calculation for an owner of a commercial parcel with a frontage of 160 feet and an area of 12,800 square feet:

1. Calculate Frontage SFE.

$$160 \text{ feet}/80 = 2 \text{ SFE}$$

2. Calculate the Area SFE

$$12,800 \text{ square feet}/6,400 = 2 \text{ SFE}$$

3. Add the two SFEs together

$$2 \text{ SFE} + 2 \text{ SFE} = 4 \text{ SFE}$$

4. Multiply total SFE to \$56.00 to determine total tax

$$4 \text{ SFE} \times \$56.00 = \$224.00$$

(D) An Owner of An Undeveloped Parcel. An Owner of An Undeveloped Parcel is exempt from this parcel tax if the owner can prove that the parcel was undeveloped for at least six months of the year in question.

Section 3. HOTELS

The tax imposed by this Ordinance shall be imposed on each Hotel within the City in accordance with the following:

1. Residential Hotels. If rooms in a Hotel were occupied by individuals who were not Transients for 80% or more of the previous fiscal year, such Hotel shall be deemed a Residential Hotel, and such rooms shall be deemed Residential Units and shall be subject to the Parcel tax imposed on Multiple Residential Units. The remainder of the Building shall be subject to the applicable Square Footage tax computed in accordance with the Single Family Residential Unit Equivalent calculations.

2. Transient Hotels. Notwithstanding the previous sub-section, if 80% or more of the Operator's gross receipts for the previous fiscal year were reported as rent received from Transients on a return filed by the Operator in compliance with section 4.24.010 et seq. of the Oakland Municipal Code (commonly known as the Uniform Transient Occupancy Tax of the City of Oakland), such Hotel shall be deemed a Transient Hotel. The entire Building shall be deemed a Non-Residential Parcel, categorized as Commercial, Institutional, and shall be subject to the Square Footage and Single Family Residential Unit Equivalent calculations set forth in Section 2(C), and the parcel tax imposed on Residential Units shall not apply.

Section 4. EXEMPTIONS.

Low income household exemption. Exempt from this tax are owners of single family residential units in which they reside whose combined family income, from all sources for the previous calendar year, is at or below the income level qualifying as "very low income" for a Family of such size under Section 8 of the United States Housing Act of 1937 (42 U.S.C.A. Sections 1437 et. seq.,) for such year. Owners must apply for the exemption provided for in this section annually by petition to the Director of the Finance and Management Agency of the City of Oakland ("Director of Finance") in the manner and time set forth in procedures established by the Director of Finance. Such petitions shall be on forms provided by the Director of Finance and shall provided such information as the Director of Finance shall require, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

Section 5. REDUCTION IN TAX; RATE ADJUSTMENT.

(A) Subject to paragraph (B) of this section, the tax rates imposed by this ordinance are maximum rates and may not be increased by the City Council above such maximum rates. The tax imposed by the ordinance may be suspended, reduced or eliminated by the City Council for a subsequent fiscal year upon a vote of the City Council on or before June 30th in any year in which the City Council determines that after such suspension, reduction or elimination there will be sufficient revenues available to balance the City Council's Adopted Policy Budget and provide the services and programs described in Part 1, Section 2 above. Such suspension, reduction or elimination shall be effective for the fiscal year following such vote.

(B) Beginning in Fiscal Year 2010-2011, and each year thereafter, the City Council may increase the tax imposed hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased. The percentage increase of the tax imposed hereby shall not exceed such increase, using Fiscal Year 2010-2011 as the index year and in no event shall any annual adjustment exceed 5% (five percent).

Section 6. DUTIES OF THE DIRECTOR OF FINANCE; NOTICE OF DECISIONS.

It shall be the duty of the Director of the Finance to collect and receive all taxes imposed by this ordinance, and to keep an accurate record thereof.

The Director of Finance is charged with the enforcement of this ordinance, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this ordinance, including provisions for the re-examination and correction of returns and payments. The Director of Finance may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

Upon disallowing any claims submitted pursuant to this ordinance, the Director of Finance shall mail written notice thereof to the claimant at his/her address as shown on the Alameda County Assessor's property tax rolls.

Section 7. EXAMINATION OF BOOKS, RECORDS, WITNESSES; PENALTIES.

The Director of Finance or his/her designee is hereby authorized to examine assessment rolls, property tax records, records of the Alameda County Recorder and any other records of the County of Alameda deemed necessary in order to determine ownership of Parcels and computation of the tax imposed by this ordinance.

The Director of Finance or his/her designee is hereby authorized to examine the books, papers and records of any person subject to the tax imposed by this ordinance for the purpose of verifying the accuracy of any petition, claim or return filed and to ascertain the tax due. The Director of Finance, or his/her designee is hereby authorized to examine any person, under oath, for the purpose of verifying the accuracy of any petition, claim or return filed or to ascertain the tax due under this ordinance and for this purpose may compel the production of books, papers and records before him/her, whether as parties or witnesses, whenever s/he believes such persons have knowledge of such matters. The refusal of such examination by any person subject to the tax shall be deemed a violation of this ordinance.

Section 8. COLLECTION OF TAX; INTEREST AND PENALTIES.

The tax levied and imposed by this ordinance shall be due and payable on July 1 of each year, but it may be paid in two installments due no later than December 10 and April 10. The tax shall be delinquent if not received on or before the delinquency date set forth in the notice mailed to the Owner's address as shown on the most current assessment roll of the Alameda County Tax Collector and shall be collected in such a manner as the City Council may decide.

A one-time penalty at a rate set by the City Council, which in no event shall exceed 25% of the tax due per year, is hereby imposed by this ordinance on all taxpayers who fail to timely pay the tax provided by this ordinance; in addition, interest shall be assessed at the rate of 1% per month on the unpaid tax and the penalty thereon.

Every penalty imposed and such interest as accrues under the provisions of this ordinance shall become a part of the tax herein required to be paid.

The City may authorize to have the taxes imposed by this ordinance collected by the County of Alameda in conjunction with and at the same time and in the same manner as the County's collection of property taxes for the City.

Section 9. COLLECTION OF UNPAID TAXES.

The amount of any tax, penalty, and interest imposed under the provisions of this ordinance shall be deemed a debt to the City. Any person owing money under the provisions of this ordinance shall be liable to an action brought in the name of the City for the recovery for such amount.

Section 10. REFUND OF TAX, PENALTY, OR INTEREST PAID MORE THAN ONCE; OR ERRONEOUSLY OR ILLEGALLY COLLECTED.

Whenever the amount of any tax, penalty, or interest imposed by this ordinance has been paid more than once, or has been erroneously or illegally collected or received by the City it may be refunded provided a verified claim in writing therefore, stating the specific ground upon which such claim is founded, is filed with the Director of Finance within one (1) year from the date of payment. The claim shall be filed by the person who paid the tax or such person's guardian, conservator of the executor of her or his estate. No claim may be filed on behalf of other taxpayers or a class of taxpayers. The claim shall be reviewed by the Director of Finance and shall be made on forms provided by the Director of Finance. If the claim is approved by the Director of Finance, the excess amount collected or paid may be refunded or may be credited against any amounts then due and payable from the Person from who it was collected or by whom paid, and the balance may be refunded to such Person, his/her administrators or executors. Filing a claim shall be a condition precedent to legal action against the City for a refund of the tax.

Section 11. MISDEMEANOR VIOLATION.

Any Owner who fails to perform any duty or obligation imposed by this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than \$1,000 or by imprisonment for a period of not more than one year, or by both such fine and imprisonment.

The penalties provided in this section are in addition to the several remedies provided in this ordinance, or as may otherwise be provided by law.

Section 12. BOARD OF REVIEW.

Any person dissatisfied with any decision of the Director of Finance adversely affecting the rights or interests of such person made by the Director of Finance under the authority of this ordinance, may appeal therefrom in writing to the Business Tax Board of Review (the "Board") within sixty (60) days from the date of mailing such decision by the Director. All filings with the Board relating to appeals or otherwise shall be made to the Chairperson of the Business Tax Board of Review in care of the Revenue Department, 250 Frank Ogawa Plaza, 1st Floor, Oakland, CA 94612. The Board may affirm, modify or reverse such decision or dismiss the appeal therefrom, as may be just, and shall prescribe such rules and regulations relating to appeals as it may deem necessary. The Board's decision on appeal will become final upon mailing notice thereof to the Person appealing the Board's decision at such Person's last known address shown on the Tax Records.

Any tax, penalty or interest found to be owed is due and payable at the time the Board's decision becomes final.

The Board shall approve, modify or disapprove all forms, rules and regulations prescribed by the Director of Finance in administration and enforcement of this tax. Such forms, rules and regulations shall be subject to and become effective only on such approval.

All decisions rendered by the Board shall be final, and no further administrative appeal of these decisions is provided or intended.

PART 4. AMENDMENT TO OAKLAND MUNICIPAL CODE SECTION 8.22.070.

Oakland Municipal Code Section 8.22.070 Rent Adjustments For Occupied Covered Units is hereby amended to add a new subparagraph at subsection B.3. as follows, underscored:

a. Calculation of the CPI Rent Adjustment. Beginning in 2002, the CPI Rent Adjustment is the average of the percentage increase in the CPI—All items and the CPI—Less shelter for the twelve (12) month period starting on March 1 of each calendar year and ending on the last day of February of the following calendar year calculated to the nearest one tenth of one percent.

b. Pass Through of the 2009 Lighting, Parks And Trees Emergency Health And Safety Measure And Parcel Tax as a Rent Increase.

An Owner may charge Tenants once, as a pass through added to the Rent, the monthly equivalent (one-twelfth) of the annual amount of the 2009 Lighting, Parks And Trees Emergency Health And Safety Measure And Parcel Tax ("LPT Tax") and any subsequent increase in the base amount of that tax in addition to a CPI Rent Adjustment, together with the first CPI Rent Adjustment after the LPT Tax takes effect. The LPT Tax increase may only be passed through to a Tenant in occupancy when the LPT Tax or a subsequent increase to the base amount takes effect. The Owner cannot pass through the LPT Tax or increase in the LPT Tax to a subsequent Tenant, where the Owner had the opportunity to set the Rent to that subsequent Tenant without limitation; in such case the Owner is deemed to have taken into account the LPT Tax in setting the new Tenant's rent. If the LPT Tax is suspended, revoked, or reduced, an Owner must reduce each Tenants' Rent accordingly if it was passed through to that Tenant.

FURTHER RESOLVED: This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., including without limitation" Public Resources Code section 21065, CEQA Guidelines 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Clerk of the City of Oakland (the "City Clerk") at least 88 days prior to the appropriate election to file with the Alameda County Clerk certified copies of this resolution; and be it

FURTHER RESOLVED: That the City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots the recitals and measure language contained in this resolution to be voted on by the voters of the qualified electors of the City of Oakland; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Oakland, the Government Code and the Elections Code of the State of California; and be it

FURTHER RESOLVED: That the City Council does hereby request that the Registrar of Voters of the County of Alameda perform necessary services in connection with said election; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to obtain printing, supplies and services as required; and be it

FURTHER RESOLVED: That the City Clerk is hereby authorized to provide such other services and supplies in connection with said election as may be required by the Statutes of the State of California and the Charter of the City of Oakland; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 11 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed ordinance, and said date shall be posted in the Office of the City Clerk.

FURTHER RESOLVED: Upon approval by the voters of the 2009 Lighting, Parks and Trees Emergency Health and Safety Measure, the performance standards, attached as Exhibit A, shall be in effect.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

Attest: _____

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

Park Maintenance, Streetlighting and Tree Performance Standards

Work Activity	Activity Description	Optimum Level of Service	July 2008 Level of Service*
Inspect playground equipment	Check the operation and stability of the equipment, especially for wear (e.g. bearings, moving joints, splinters, rust and wear). Identify, record and highlight for action any aspect that may cause harm	Formal written inspection of playground structures is accomplished on a monthly basis. Informal inspections are conducted five times a week.	200 health and safety inspections of the City's approximately 75 play structures are conducted annually.
Mowing	Mow turf to maintain grass height according to species and variety of grass.	Turf is mowed once a week during growing season and once every two weeks during the non-growing season.	Turf is mowed every two (2) weeks during the growing season and once every three (3) during the non-growing season.
Edging of turf	Edge turf to maintain a clear appearance and pedestrian safety along pathways	All lawns, nature areas, low-growing ground cover areas, paved areas, curbs, and header boards are edged bi-monthly, except for the non-growing season when edging is performed as needed.	Some lawns, nature areas, low-growing ground cover areas, paved areas, curbs, and header boards are edged.
Aeration of turf	Turf is aerated to alleviate soil compaction and improve infiltration of water and penetration of plant nutrients	All turf is aerated once a year	Ballfield turf is aerated once a year.
Fertilization of turf	Turf is fertilized to provide adequate nutrients and optimum growth	All turf areas are fertilized at least once per year, in April, with a balanced product.	Some turf areas are fertilized as needed, in April, with a balanced product.

* Cityworks work management system will allow Public Works to track quantities that are currently not tracked.

Work Activity	Activity Description	Optimum Level of Service	July 2008 Level of Service*
Sprinkler system inspection	Water meters, sprinklers and controllers are checked for proper operation. Make necessary adjustments for unimpeded coverage and to minimize over-spray and water waste	Water meters, sprinklers and controllers are checked weekly for proper operation	Water meters, sprinklers and controllers are checked once a month for proper operation
Litter control	Litter is removed from turf, shrub, groundcover areas, pathways and parking lots	Litter control is provided three to five (3-5) times a week depending on the traffic and visitation of the parks.	Litter control is provided two (2) times a week depending on the traffic and visitation of the parks.
Restrooms	Restrooms are cleaned so that they will be clean for users including scrubbing, stocking dispensers, emptying trash receptacles and removing graffiti	Restrooms are cleaned daily and twice daily is high use areas	Restrooms are cleaned daily
Shrub pruning	Shrubs are thinned out and shaped when necessary to insure proper growth and prevent wind and storm damage	Shrubs are pruned once a year	Shrubs are pruned as needed for health and safety concerns.

* Cityworks work management system will allow Public Works to track quantities that are currently not tracked.

Work Activity	Activity Description	Optimum Level of Service	July 2008 Level of Service*
Weed removal	Weeds are removed from landscaped areas using gas powered hand tools	Weeding is performed weekly during spring and summer months	Weeding is performed every two to three (2-3) weeks or as needed.
TREES			
Tree pruning	Median, park and street trees are pruned to reduce risk of limb and tree failure and to provide clearance for vehicles, pedestrians and lights and utilities.	The City's approximately 50,000 median, park, street and sidewalk trees are pruned on a 5 year cycle or approximately 10,000 per year	Approximately 4,500 trees are pruned per year.
Tree planting	Trees provide benefits to the City and its residents and are planted to improve the City or replace trees that are removed.	Plant 2,500 trees per year. Only median, park and commercial trees are watered by the City.	Plant 1,000 trees per year. Only median, park and commercial trees are watered by the City.
Hazard abatement of unofficial trees	Trees growing on the public right of way along streets without sidewalks are unofficial and the City prunes or removes those trees to reduce risk to the public.	Remove 300 hazardous trees per year. Prune 500 unofficial trees per year to reduce risk and/or improve vehicle clearance.	Remove 150 hazardous trees per year. Prune 250 unofficial trees per year to reduce risk and/or improve vehicle clearance.

* Cityworks work management system will allow Public Works to track quantities that are currently not tracked.

Work Activity	Activity Description	Optimum Level of Service	July 2008 Level of Service*
STREETLIGHTS			
Streetlight outages	Streetlights are repaired to provide visibility and safety	Streetlights are repaired within 24 hours of notice	Streetlights are repaired within 72 hours of notice
Streetlight poles	Knocked down streetlight poles are removed and replaced on the right-of-way to provide visibility and safety	Knocked down streetlight poles are removed immediately and replaced within seven (7) days of notice	Knocked down streetlight poles are removed immediately and replaced within fifteen (15) days of notice

* Cityworks work management system will allow Public Works to track quantities that are currently not tracked.