



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Erin Roseman  
Finance Director

**SUBJECT:** FY 2022-23 Landscaping and Lighting  
Assessment District (LLAD –  
Initiation)

**DATE:** February 28, 2022

City Administrator Approval

Date: Mar 2, 2022

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Initiating The Fiscal Year (FY) 2022-23 Assessment Process For The City Of Oakland Landscaping And Lighting Assessment District (LLAD) And Authorizing The City Administrator To Order A Preliminary Engineer's Report.**

## **EXECUTIVE SUMMARY**

The proposed resolution will initiate the fiscal year (FY) 2022-23 assessment process of the Landscaping and Lighting Assessment District (LLAD) for inclusion in the FY 2022-23 property tax roll by authorizing the City Administrator to order the preparation of a preliminary Engineer's Report, which will set forth the LLAD findings and engineering analyses. This is the first of three resolutions required to approve the LLAD assessments. Detailed assessment data for all affected properties are due to the Alameda County Auditor-Controller Agency by August 10, 2022.

## **BACKGROUND / LEGISLATIVE HISTORY**

The California Landscaping and Lighting Act of 1972, codified in California Streets and Highways Code Sections 22500-22679 (the Act), allows local government agencies to form assessment districts for the purpose of financing the costs and expenses of landscaping and lighting in public areas, among other things as noted below. The City of Oakland formed the LLAD on June 23, 1989. In July 1993, the City increased the assessment rates after preparation of an engineer's report, notice and hearing, and public opportunity to comment.

The Act requires that the City Council annually take actions to approve the LLAD assessments, including: 1) adopt a resolution initiating the process and ordering the preparation of an engineer's report, 2) adopt a resolution approving the Preliminary Engineer's Report, declaring the intention to levy the annual assessments, and setting the date of the public hearing to take final action on the levying of the annual assessments, and 3) adopt a resolution confirming the engineer's report and levying the assessments. The proposed resolution achieves the first step in the assessment process.

City Council  
March 15, 2022

## **ANALYSIS AND POLICY ALTERNATIVES**

### *Landscaping and Lighting Assessment District Coverage and Boundaries*

The LLAD, utilizing a direct benefit assessment, provides a funding source for City parks, grounds and landscaped medians, open space, pools, and custodial services at about 134 park and recreation facilities, 44 stand-alone restrooms, and many other recreation-related buildings and infrastructure within the City of Oakland. The LLAD also supports activities such as community gardens and ball field maintenance and pays utility costs for City streetlights and water use at parks and fields. As such, approval of the proposed resolution of initiation and subsequent actions to levy the LLAD assessment are consistent with the Citywide Priority of maintaining **vibrant, sustainable infrastructure**. The LLAD boundaries coincide with the City of Oakland boundaries and encompass all land parcels within the City.

### *Annual LLAD Process and Timeline:*

The California Streets and Highways Code Sections 22620-22631 apply to all assessments levied and collected for a fiscal year, within an existing assessment district. The code describes the process requirements for levying assessments as follows:

1. Request a preliminary engineer's report be prepared which includes: a listing of improvements to be operated and maintained, a budget identifying the cost to operate and maintain those improvements, a description of the methodology to spread the costs to the benefitting properties within the LLAD, and a listing of each individual assessment. This step is the subject of this City Council report and resolution.
2. Approve the engineer's report and adopt a resolution of intention. The resolution of intention declares the City Council's intention to levy and collect assessments within the LLAD for the fiscal year. It also states whether the assessment is proposed to change from the previous year and sets a public hearing date, time, and location. This is the next step which staff will schedule as a separate item.
3. Conduct the public hearing affording all interested parties the opportunity to hear and be heard, and adopt a resolution confirming the engineer's report information and the assessment levy within the LLAD for the fiscal year.

In compliance with the California Streets and Highways Code, the proposed resolution initiates the annual assessment process of the LLAD for the FY 2022-23 property tax roll by describing any proposed new improvements or substantial changes in existing improvements to the District and ordering the District Engineer to prepare and file a Preliminary Engineer's Report for the District with the City Clerk. There are no new improvements for the District nor any substantial changes to existing improvements within the District and the boundaries and improvements remain the same as those described in the FY 2021-22 Engineers Report, which was approved by the City Council pursuant to Resolution No. 88650 C.M.S.

Upon fulfillment of the LLAD requirements, the City of Oakland must submit the detailed assessment data for all affected properties to the Alameda County Auditor-Controller Agency for inclusion in the FY 2022-23 property tax roll by August 10, 2022.

### **FISCAL IMPACT**

The approval of the proposed resolution initiates the FY 2022-23 LLAD assessment process in order to levy the tax for the upcoming fiscal year. Francisco & Associates, Inc. will serve as the engineer. The professional service agreement with Francisco & Associates, Inc. was previously executed, pursuant to Resolution No. 87927 C.M.S., and funding is available and included in the baseline budget to maintain the contract until December 2023.

The LLAD is an important source of resources to sustain City operations. The LLAD revenue supports 40.00 full-time equivalent (FTE) staff positions and operation & maintenance costs. The legislation presented through this agenda report only initiates the LLAD process in order to levy the tax this year. Future reports will contain more information on the use of LLAD funds and other fiscal impacts.

### **PUBLIC OUTREACH / INTEREST**

A public hearing for confirmation of the assessments will be noticed in the resolution of intention which staff will bring to City Council as a separate item at a later date.

### **COORDINATION**

This report was prepared in coordination with the Office of the City Attorney, the Finance Department, and Francisco & Associates, Inc., the City's contractor who annually administers special financing districts.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The LLAD-generated revenue funds the maintenance of city parks, grounds and landscaped medians, open space, pools, and custodial services at about 40 park and recreation facilities, 44 stand-alone restrooms, and many other recreation-related buildings and infrastructure in the City of Oakland. The LLAD also supports activities such as community gardens and ball field maintenance and pays utility costs for City streetlights and water use at parks and fields.

***Environmental:*** Providing and maintaining clean parks, tot lots, and recreational facilities reduces urban blight, littering, vandalization, and graffiti. It also provides natural sources of fresh oxygen, needed shade and air coolant, beautification, and aesthetic enhancement. Landscaped parks and strips also act as environmental cleaners by capturing dust, minimize noise compared to concrete, and absorb water runoff. All the environmental benefits lead to a healthier community.

***Race & Equity:*** The LLAD coincides within the boundaries of the City of Oakland and encompasses all residential and non-residential parcels of land, enhancing all residents' lives within the city. Well-lit and functioning street-lights provide better lighting to adjacent property owners, motorists and pedestrians traveling at night, and better security and protection to properties. Maintained landscapes, parks, and facilities provide the community with areas to enjoy sporting events, social events, and other physical and social activities. These activities are

proven to increase a sense of community, increased property value, and lead to multiple mental and health benefits. Future reports in the annual LLAD levy process will provide additional Race & Equity information.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Initiating The Fiscal Year (FY) 2022-23 Assessment Process For The City Of Oakland Landscaping And Lighting Assessment District (LLAD) And Authorizing The City Administrator To Order A Preliminary Engineer's Report.

For questions regarding this report, please contact Tiffany Kirkpatrick, Budget & Management Analyst, at (510) 238-2366.

Respectfully submitted,



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