

**OAKLAND AREA  
GEOLOGIC HAZARD ABATEMENT DISTRICT**

**TO: Oakland Area GHAD Board of Directors**

**FROM: GHAD Manager  
GHAD Attorney**

**BOARD MEETING DATE: June 7, 2022**

**SUBJECT: Resolution to Accept the Tabulation of Votes  
and if Allowed by the Votes, Confirm the  
Assessment, and Order the Levy and  
Collection of the Assessment.**

**RECOMMENDATION(S):**

Staff recommends that the GHAD Board take the following actions:

1. Open and conduct a public hearing on the proposed assessment;
2. Close the hearing and consider any protest against the assessment;
3. Direct the GHAD Clerk to canvass and tabulate the assessment ballots;
4. Adopt Resolution 2022-02 Accepting the Tabulation of Votes; and
5. If the vote supports the approval, adopt Resolution 2022-03 confirming the assessment, and authorizing the levy and collection of the assessment for the Kenilworth Development within the Oakland Area Geologic Hazard Abatement District.

**SUMMARY:**

In approving the 7-unit single-family Kenilworth Development in 2010, the City of Oakland imposed Condition of Approval No. 35 requiring the property owner to seek annexation of the property into the Oakland Area GHAD. As allowed by GHAD Law, the owner of property within the Kenilworth Development submitted a Petition for Annexation of the Kenilworth Development into the Oakland Area GHAD. On February 21, 2017, the GHAD Board of Directors held a public hearing on the proposed annexation and with the approval of Resolution No. 15, annexed the Kenilworth Development into the Oakland Area GHAD and approved the Plan of Control. With the approval of Resolution No. 2022-01, the GHAD Board approved the Engineer's Report for the Kenilworth Development to secure funding for the GHAD-maintained improvements identified in the Plan of Control. In order to impose the assessment set forth in the Engineer's Report, the GHAD Board is to adopt Resolution No. 2022-02 and 2022-03 to accept the tabulation of the ballots, consider any protests against the proposed assessment, and certify the canvass of votes.

**BACKGROUND AND DISCUSSION:**

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On July 18, 2006, the Oakland City Council adopted Resolution 80058 approving the formation of the Oakland Area GHAD and appointed itself to serve as the GHAD Board of Directors. The Oakland Area GHAD includes the Siena Hill Development and the Kenilworth Development.

A funding source has been secured for Siena Hill Development and it is now appropriate to secure a funding source for the Kenilworth Development. Like Siena Hill Development, the funding source for the Kenilworth Development is through a real property assessment. The assessment for the 7 single-family residential units within the Kenilworth Development is proposed to be imposed the first fiscal year after building permits are issued for each of the homes. The assessment will be used to maintain the improvements in the Kenilworth Development Plan of Control approved by the GHAD Board previously on February 21, 2017 (Resolution No. 15).

On April 19, 2022, the GHAD Board adopted Resolution No. 2022-01 approving the Engineer's Report for the Kenilworth Development to set the assessment limit of level of \$5,364.00 per single-family residential unit (Fiscal Year 2022/23 dollars). The Kenilworth Development assessment will not impact or change the existing assessments for Siena Hill Development.

The property owner of the Kenilworth Development was provided with a copy of the Engineer's Report, a Notice of Intent to Order an Assessment, and a ballot as required by Resolution 2022-01.

**FISCAL IMPACT:**

The developer is responsible for funding all activities undertaken by the GHAD up and until the GHAD Improvements, as defined in the Plan of Control, are accepted by the GHAD. Thereafter, the GHAD will be funded 100% through assessments levied on properties within the Oakland Area GHAD. The GHAD is a separate and independent agency from the City and its operations have no impact on the City's General Fund.

**NEXT STEPS:**

1. The GHAD Board shall consider any protests against the proposed assessment and shall not impose the assessment if there is a majority protest (Resolution 2022-02). If there is no majority protest, the GHAD Board shall authorize the assessment (Resolution 2022-03).

*Prepared by:* The GHAD Manager and GHAD Attorney

*Recommended by:* GHAD Manager

**ATTACHMENTS:**

- A. Resolution No. 2022-02
- B. Resolution No. 2022-03