



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Margaret O'Brien
Interim Finance Director

SUBJECT: FY 2021-22 Landscaping and Lighting
Assessment District
(LLAD – Initiation)

DATE: February 22, 2021

City Administrator Approval 

Date: **Mar 1, 2021**

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Initiating The Fiscal Year (FY) 2021-22 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 FY 2021-22 assessment process of the Landscaping and Lighting Assessment District (LLAD) for inclusion in the FY 2021-22 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, 2021.

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 Meeting
March 16, 2021

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. 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 2021-22 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 with the City Clerk, a Preliminary Engineer's Report for the District. There are no new improvements for the District or any substantial changes to existing improvements within the District and the boundaries and improvements remain the same as those described in the FY 2020-21 Engineers Report, which was approved by the City Council pursuant to Resolution No. 88170 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 2021-22 property tax roll by August 10, 2021.

FISCAL IMPACT

The approval of the proposed resolution initiates the FY 2021-22 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 revenue covers 37.00 FTE and operation & maintenance costs, however, without the LLAD funding, alternative funding sources including the General Purpose Fund may be sought to maintain service levels. Although the legislation presented through this agenda report only initiates the LLAD process in order to levy the tax this year, it should be noted that while the LLAD fund has steadily improved its historical negative fund balance, rapidly increasing costs (e.g., utility rates, personnel, etc.) and the inability to adjust the assessment rate has prevented the City from reaching its goal of maintaining a net positive fund balance consistently.

Approval of this resolution does not impact the General Purpose Fund and no additional funding is requested.

PUBLIC OUTREACH / INTEREST

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

COORDINATION

The 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 which enhances 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 provides 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.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Initiating The Fiscal Year (FY) 2021-22 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 Brittany Hines, Budget & Management Analyst, at (510) 238-7078.

Respectfully submitted,

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