

OAKLAND CITY COUNCIL

B. Niles

FILED
OFFICE OF THE CITY CLERK RESOLUTION NO. _____ C.M.S.

2003 NOV 13 AM 11:33

RESOLUTION SUPPLEMENTING THE RESOLUTION OF INTENTION TO FORM THE OAKLAND WILDFIRE PREVENTION ASSESSMENT DISTRICT PASSED ON NOVEMBER 4TH, 2003 TO PROVIDE FOR THE CLARIFICATION OF THE RESPONSIBILITIES OF THE ADVISORY COMMITTEE.

WHEREAS, the City Council of the City of Oakland is in the process of enacting the Oakland Fire Suppression, Prevention, and Preparedness District Ordinance (the "Ordinance") establishing the procedures for the formation of fire suppression, prevention, and preparedness districts; and

WHEREAS, the laws of the State of California in Government Code Section 50078, et seq. ("state law") provide for the creation of fire suppression districts; and

WHEREAS, the City Council of the City of Oakland as part of that process passed a Resolution of Intention to Form the Oakland Wildfire prevention District on November 4th 2003 and wishes to supplement Section 12 of such Resolution of Intention to clarify the responsibilities of the advisory committee;

NOW, THEREFORE, the City Council of the City of Oakland hereby supplements Section 12 of the Resolution of Intention with the following description of the responsibilities of the advisory committee:

"The advisory committee shall have the following responsibilities:

- A) Produce a budget to be submitted to the City Council for approval;
- B) Evaluate the performance of District programs;
- C) Recommend program priorities;
- D) Recommend policies;
- E) Recommend the independent auditor and receive the auditor's report;
- F) Elect its own officers."

With the supplementation of Section 12 the Resolution of Intention as supplemented by this resolution when read together would include the following:

S-10.2000

RESOLUTION OF INTENTION TO FORM THE OAKLAND WILDFIRE PREVENTION ASSESSMENT DISTRICT, ACCEPTING AND GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT, DIRECTING FILING OF THE

**ORA/COUNCIL
NOV 18 2003**

**ENGINEER'S REPORT AND PROPOSED ASSESSMENT DISTRICT BOUNDARY
MAP, SUBMITTING THE PROPOSED ASSESSMENT TO THE DISTRICT
ASSEESSES FOR MAJORITY PROTEST PROCEDURE, AND SCHEDULING A
PUBLIC HEARING FOR JANUARY 6, 2004.**

WHEREAS, the City Council of the City of Oakland is in the process of enacting the Oakland Fire Suppression, Prevention, and Preparedness District Ordinance (the "Ordinance") establishing the procedures for the formation of fire suppression, prevention, and preparedness districts; and

WHEREAS, the laws of the State of California in Government Code Section 50078, et seq. ("state law") provide for the creation of fire suppression districts; and

WHEREAS, the Oakland Hills area is a unique and extraordinary urban/wildlands interface where large fires are a distinct possibility. The continuous fuel bed, steep canyons, and dry summers followed by high Diablo winds in late summer and early fall make the Oakland Hills an environment at risk; and

WHEREAS, the city budget maintains the current basic fire station and suppression services, but former grants and funds for vegetation management have been cut or exhausted. In light of this reality, the residents in the affected area will fund a special assessment district to provide funding for these services for a period of ten years; and

WHEREAS, the City Council of the City of Oakland wishes to form the Oakland Wildfire Prevention Assessment District ("District") pursuant to the state law and the Ordinance and have had prepared in the furtherance thereof a detailed Engineer's Report constituting the Benefit Assessment Report required for the formation of the district ("Engineer's Report") (**Exhibit A**); and

WHEREAS, the Engineer's Report is a detailed engineer's report prepared by a registered professional engineer recognized by the State of California; and

WHEREAS, the Engineer's Report was prepared in accordance with the provisions Article XIII of the California Constitution, for proceedings in formation of this District; and

WHEREAS, the Engineer's Report, incorporated by this reference, provides for services of particular benefit to the properties located within the District (as more specifically identified in the Engineer's Report); and

WHEREAS, the Engineer's Report was prepared in accordance with the provisions of the Ordinance and state law and the California Constitution overseeing the formation of such districts as referenced above;

NOW, THEREFORE, the City Council of the City of Oakland finds that the Engineer's Report for the District satisfies all the requirements of the Ordinance, the laws of the State of California and the California Constitution with regard to the formation of such districts, and does hereby resolve as follows:

1. A fire suppression, prevention and preparedness district is proposed to be established pursuant to the Ordinance and state law with the boundaries as specified in the Engineer's Report and map, a copy of which is attached hereto as **Exhibit A**.
2. The Engineer's Report and the proposed assessment district boundary map for the District prepared by the engineer shall be placed on file in the office of the City Clerk,
3. The Engineer's Report for the District and the proposed assessment district boundary map is accepted and preliminarily approved and the assessments for the first year shall be as provided for in the Engineer's Report if the district is established unless modified as provided for in the Ordinance and state law by Council after the public hearing and tabulation of ballots. However, no such modification shall increase the amount of the assessment.
4. The name of the District shall be the Oakland Wildfire Prevention Assessment District ("District").
5. The reasons for the assessments and the types of the improvements, activities and services proposed to be funded and provided by the levy of assessments on property in the District and the time period for which the proposed assessments are to be made are those specified in the Engineer's Report.
6. An assessment will be levied annually to pay for all improvements, activities, and services provided for in the Engineer's Report for the District. Non-program, administrative expenses shall be limited to 5% of the District's annual budget.
7. The boundaries of the District and of each separate benefit zone within the district are delineated in the description contained in the Engineer's Report.
8. The proposed method and basis of levying the assessments to be levied against each property in the District are based on the factors and classifications specified in the Engineer's Report.
9. The total assessments for the entire District for the first year of the District, and the amount chargeable to each parcel are as shown in the Engineer's Report.
10. The District shall be in existence for a period of ten (10) years during which time no increase in the amount of the

assessment on each property shall be allowable without further protest procedure and action by Council unless there is a change in the use or classification of the property as provided for in the Engineer's Report.

11. The assessment shall be attached to the property and collected with the annual county property taxes, and shall continue annually as provided for in the Engineer's Report for each year that the District is in existence unless modified by the City Council.
12. The Council intends to create an Advisory Committee for the District as provided for in the Ordinance and to require an annual independent audit of the District. The City Councilmember for each of the four Council Districts within the Assessment District shall appoint two members to the Citizens' Advisory Committee; the At-Large Councilmember shall appoint one member and the Mayor shall appoint two members, one of whom must be a firefighter by profession. All Advisory Committee members must live in the Assessment District. The advisory committee shall have the following responsibilities:
 - A) Produce a budget to be submitted to the City Council for approval;
 - B) Evaluate the performance of District programs;
 - C) Recommend program priorities;
 - D) Recommend policies;
 - E) Recommend the independent auditor and receive the auditor's report;
 - F) Elect its own officers.
13. The City Clerk is directed to give notice of these proceedings as required by Government Code Section 53753 and in compliance with the Ordinance, state law, and Article XIII of the California Constitution, and give all other notices and take all other actions required by law with regard thereto.
14. A Public Hearing is set for January 6, 2004 (at 7:01 P.M. in the City Council Chambers in City Hall, located at 1 Frank H. Ogawa Plaza, Oakland California) to hear all public comments, protests, count the returned ballots as to the formation of the District and approval of the assessment, and thereafter to take final action as to the formation of the District and the annual assessment for the District.
15. At the hearing the testimony of all interested persons for or against the establishment of the District, and the proposed assessment will be heard.
16. A protest may be made in writing by any interested person through the ballot procedure. The procedures applicable to the completion and return of the ballots are as specified in notice and the ballot. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in

writing and shall clearly set forth the irregularity or defect to which the objection is made.

17. Every written protest shall be filed with the City Clerk at or before the close of the public hearing as provided for in the notice. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.
18. Each written protest shall contain a description of the property in which the person subscribing the protest is interested sufficient to identify the property and, if a person subscribing is not shown on the official records of the City as the owner of the property, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the property.
19. A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.
20. After the close of the Public Hearing, the ballots will be tabulated under the direction of the City Clerk and the results of the tabulation will be reported to the City Council. A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighing those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. If the City Council finds that a majority protest exists, the City Council shall not impose the assessment to which there was a majority protest. If a majority protest is found not to exist then the City Council may proceed to form the district, give final approval to the Engineer's Report, and impose the assessment for the District.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, ____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

S-10.20CC
ORA/COUNCIL
NOV 18 2003

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California