

**CITY OF OAKLAND
AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 FEB 23 AM 11: 35

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Budget Office
Date: March 8, 2005
Re: Resolution Initiating the FY 2005-06 Assessment Process for the City Of Oakland Landscaping and Lighting Assessment District and Authorizing the City Administrator to Order a Preliminary Engineer's Report Pursuant to the California Streets and Highways Code

SUMMARY

In compliance with the California Streets and Highways Code, Section 22622, a resolution has been prepared initiating the annual assessment process of the Landscaping and Lighting Assessment District (LLAD) for the FY 2005-06 property tax roll, describing any proposed new improvements, and authorizing the City Administrator to order the District Engineer to prepare and file a Preliminary Engineer's Report for this district with the City Clerk.

FISCAL IMPACT

This report is for the purpose of initiating the annual assessment process for the LLAD. The service and cost of preparing the Engineer's Report is included as part of the contractual agreement with Francisco & Associates, Inc., approved by the City Council on November 16, 2004 and expiring on December 31, 2006.

Funding for the contract is available in the Budget Office budget as part of the FY 2004-05 adopted budget and departmental budget request for FY 2005-07 in the LLAD fund (#2310) in the Architectural and Engineering Services accounts (#54411).

BACKGROUND

The California Landscaping and Lighting Act of 1972 (California Streets and Highways Code 22500-22509) allows local governmental agencies to form assessments districts for the purpose of financing the costs and expenses of landscaping and lighting public areas. The City of Oakland formed a Landscaping and Lighting Assessment District on June 23, 1989. In 1994, the City of Oakland voters defeated a ballot measure challenging the LLAD and confirmed its existence. The LLAD, utilizing a direct benefit assessment, provides a funding source for the operation and maintenance of public landscaping, fountains, general lighting, recreational, playground, and park facilities, and street lighting in defined benefit zones that encompass the City of Oakland.

In addition, the California Streets and Highways Code, Section 22620-22631, applies to all assessments that are to be levied and collected for a fiscal year. The code describes the requirements for levying assessments, which are as follows:

1. Adopt a resolution describing any proposed new improvements or any substantial changes in existing improvements and ordering the engineer to prepare and file a report. (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 increase from the previous year and sets a date, hour, and place for a public hearing. (Staff will forward this item to the Finance and Management Committee, and subsequently to the City Council, in April of 2005.)
3. Conduct the public hearing affording all interested parties the opportunity to hear and be heard. (Staff will propose that the public hearing be in June of 2005 as part of the FY 2005-07 budget review process.)
4. Adopt a resolution confirming the information in the engineer's report and the levy of the assessment within the LLAD for the fiscal year, if a majority protest has not been filed with the City Clerk. (Staff will forward this item to the City Council in June of 2005 as part of the FY 2005-07 budget review process.)

Upon fulfillment of the requirements for the LLAD, the City of Oakland must submit the assessments to the Alameda County Auditor for inclusion in the FY 2005-06 property tax roll. The City of Oakland collects the LLAD assessment through the County of Alameda property tax bill.

DISCUSSION

The proposed resolution orders the preparation of a preliminary Engineer's Report, which will set forth the findings and engineering analyses for the LLAD. The resolution also declares that the existing boundaries of the LLAD remain the same as those described in the previous Engineer's Report (prepared for FY 2004-05). The resolution also states that the facilities and improvements within the districts are continuously improved upon as funding for such capital improvements becomes available to the City of Oakland. For example, various state and local bond measures have provided, and continue to support, much needed capital improvements to existing facilities, as well as the development of new park and recreation amenities. In all cases, such funding sources for capital improvements prohibit the use of funds for the on-going operations and maintenance of the improved amenities. Any existing and additional costs required for on-going operations and maintenance are borne by other eligible sources such as the LLAD and the General Purpose Fund. LLAD revenues do not fully cover the City's landscape maintenance and lighting services and are subsidized by the General Purpose Fund.

SUSTAINABLE OPPORTUNITIES

There are no direct economic, environmental, or social equity opportunities or impacts associated with the City Council action requested in this report.

DISABILITY AND SENIOR ACCESS

There is no direct impact to people with disabilities or to seniors associated with the City Council action requested in this report.

RECOMMENDATION

Staff recommends that the City Council approve the proposed resolution.

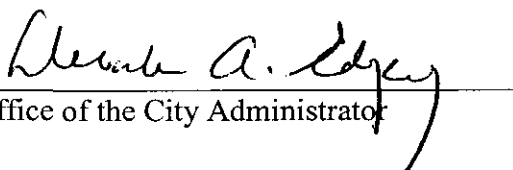
Respectfully submitted,



MARIANNA MARYSHEVA
Budget Director

Prepared by:
Cheryl L. Taylor
Principal Financial Analyst
City Administrator's Budget Office

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE



Office of the City Administrator

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

B. Plebeus

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 FEB 23 AM 11:35

RESOLUTION INITIATING THE FY 2005-06 ASSESSMENT PROCESS FOR THE CITY OF OAKLAND LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT AND AUTHORIZING THE CITY ADMINISTRATOR TO ORDER A PRELIMINARY ENGINEER'S REPORT PURSUANT TO THE CALIFORNIA STREETS AND HIGHWAYS CODE

WHEREAS, the City of Oakland Landscaping and Lighting Assessment District (LLAD) was established on June 23, 1989 under the authority of the California Streets and Highways Code Section 22500, et seq., known as the Landscaping and Lighting Act of 1972; and

WHEREAS, the City desires to initiate the FY 2005-06 LLAD assessment for properties within the district boundaries; and

WHEREAS, the California Streets and Highways Code Section 22622 requires that the City Council adopt a resolution describing any proposed new improvements or any substantial changes in existing improvements and order the District Engineer to prepare and file a report with the City Clerk for further submission to the City Council; now, therefore be it

RESOLVED: That the existing boundaries of the LLAD remain the same as those described in the FY 2004-05 Engineer's Report approved by the City Council on June 10, 2004; and be it

FURTHER RESOLVED: That regular capital improvements to existing facilities and amenities within the LLAD are necessary to maintain and enhance these assets and are performed as funding is available to support these improvements; and be it

FURTHER RESOLVED: That the City Council initiates the annual assessment process for the City of Oakland Landscaping and Lighting Assessment District for FY 2005-06, and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to order a FY 2005-06 Engineer's Report for the City of Oakland Landscaping and Lighting Assessment District, and be it

FURTHER RESOLVED: That the Engineer's Report shall be filed with the City Clerk for submission to the City Council for further action.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
Interim City Clerk and Interim Clerk of the Council
of the City of Oakland, California