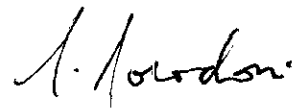


OAKLAND CITY COUNCIL



RESOLUTION NO. 79838 C.M.S.

05/11/07 PM 4:09

RESOLUTION OF INTENTION AND ACCEPTING THE FISCAL YEAR 2006-07 PRELIMINARY ENGINEER'S REPORT FOR THE CITY OF OAKLAND LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT, SETTING THE DATE FOR A PUBLIC HEARING, AUTHORIZING THE PREPARATION AND MAILING OF NOTICES AND BALLOTS, AND ESTABLISHING PERFORMANCE STANDARDS

WHEREAS, pursuant to the California Streets and Highways Code, Sections 22500, et seq., known as the Landscaping and Lighting Act of 1972 (Act of 1972), the City has taken a series of actions preliminary to ordering the establishment of the Landscaping and Lighting Assessment District ("District") and did establish such District on June 23, 1989; and

WHEREAS, pursuant to the California Streets and Highway Code Sections 22500, et seq., the City has renewed the District each subsequent year; and

WHEREAS, the voters of the City of Oakland previously approved the continuation of the District; and

WHEREAS, the City Administrator filed with the City Clerk and presented before the Finance and Management Committee of the City Council, on March 28, 2006, reports for the continuation of the Landscaping and Lighting Assessment District in order to raise revenues for the installation, maintenance, and servicing of public landscaping and lighting; and

WHEREAS, the District Engineer has submitted a Preliminary Engineer's Report for the District containing details of proposed Landscaping and Lighting Assessment District increased assessment rates for FY 2006-2007, which is on file with the City Clerk; now, therefore be it

RESOLVED: That the City Council intends to levy and collect assessments within the City of Oakland Landscaping and Lighting Assessment District for FY 2006-2007, with an increase in assessments from prior years and including assessments of public property; and be it further

RESOLVED: That the City Council authorizes the preparation and mailing of Notices and Ballots seeking Property-Owner Approval of an increase in assessments; and be it further

RESOLVED: That the City shall not expend funds from this increase until the City Council approves performance standards for the maintenance and servicing of public landscaping and lighting; and be it further

RESOLVED: That the City Council hereby approves the performance standards for maintenance and servicing of public landscaping and lighting attached as Exhibit A; and be it further

RESOLVED: That there shall be an independent annual performance review and an independent citizens oversight committee appointed by the Council; and be it further

RESOLVED: That the performance standards will be used in annual independent performance reviews; and be it further,

RESOLVED: That, beginning in Fiscal Year 2006-2007 and each year thereafter, the City Council may increase the assessment hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, as shown on the Consumer Price Index (CPI) for all items in the San Francisco Bay Area as published by the U.S. Department of Labor Statistics, has increased. In no event shall any adjustment exceed five percent of the assessment charged during the immediately preceding fiscal year; and be it further

RESOLVED: That the City Council accepts the Preliminary Engineer's Report for the Landscaping and Lighting Assessment District for discussion purposes; and be it further

RESOLVED: That all the area of land to be assessed is located in the City of Oakland, Alameda County; and be it further

RESOLVED: That a public hearing is set for June 20, 2006 at 7:00 p.m., or soon thereafter as the item may be heard, in the City Council Chambers, Oakland City Hall, One Frank H. Ogawa Plaza, Oakland, California regarding the FY 2006-07 Landscaping and Lighting Assessment District and the levy of assessments; and be it further

RESOLVED: That the Office of the City Administrator is directed to publish notice of the public hearing no later than June 13, 2006.

IN COUNCIL, OAKLAND, CALIFORNIA, APR - 4 2006, 2006

PASSED BY THE FOLLOWING VOTE:

AYES--- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID and PRESIDENT DE LA FUENTE - 8

NOES--- 0

ABSENT--- 0

ABSTENTION--- 0

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California