

OFFICE OF THE CITY CLERK

**OAKLAND CITY COUNCIL**

2007 MAR 22 PM 4:33

*Robert Tom*  
City Attorney

**RESOLUTION NO. 80510 C.M.S.**

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION ADOPTING POLICY RECOMMENDATIONS FOR THE CITY OF OAKLAND TO MANAGE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT (LLAD) FUNDED ACTIVITIES AND NEW IMPROVEMENTS BY PRIVATE DEVELOPERS WITHOUT A LLAD INCREASE, TO INCLUDE CONSIDERATION OF A FIVE-YEAR PHASED ELIMINATION OF CURRENT SUBSIDIES FOR PRIVATE SCHOOLS, CHURCHES, HOSPITALS AND AGRICULTURAL PARCELS**

**WHEREAS**, the current 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 current City of Oakland Landscaping and Lighting Assessment District (LLAD) was reaffirmed in 1993 under the authority of Articles XIII C and D of the California Constitution, known as Proposition 218; and

**WHEREAS**, the City of Oakland's existing LLAD faces a structural shortfall due to its fixed revenue stream that does not keep up with the increasing costs to provide landscaping and lighting services; and

**WHEREAS**, in order to continue providing the existing landscaping and lighting services, as well as to expand these services to cover any new landscaping and lighting, the City requires new funding sources; now therefore be it

**RESOLVED:** That new improvements by private developers on City property, or property that will be dedicated to the City, will have a mechanism in place to fund maintenance as a part of the conditions and requirements of the project; and be it

**FURTHER RESOLVED:** That mechanisms including, but not limited to, developer mitigation, Community Facilities Districts, project specific Landscape and Lighting Assessment Districts, Business Improvement Districts, Homeowners' Associations, Development Impact Fees, and endowments be used, through formal conditions of approval, to offset the on-going cost of maintenance of new improvements by private developers on City property, or property that will be dedicated to the City, such as, but not limited to, parks, ball fields, open spaces, street trees and streetlights; and be it

**FURTHER RESOLVED:** That changes to agreements with other public agencies, including “maintenance trades” between the City and other public agencies, be explored and the results and recommendations be presented to the City Council as reviews are complete; and be it

**FURTHER RESOLVED:** That on a project - by - project basis, balancing the need for plant establishment periods, funding source limitations and availability of funds, City, Redevelopment Agency and outside agency Capital Improvement Projects subject to City approval include the longest possible plant establishment periods up to a three year maximum for all landscaped areas; and be it

**FURTHER RESOLVED:** That landscape designers be directed to design for low maintenance as well as aesthetics when designing City and Redevelopment sponsored Capital Improvement Projects as well as other agency and outside developer contracts, and that a reasonable method of watering be included for landscaped areas; and be it

**FURTHER RESOLVED:** That the FY 2007-08 Landscaping and Lighting Assessment District adoption process include a five-year phased elimination of the current subsidies for private schools, churches, hospitals and agricultural parcels, with the current low-income exemption remaining in place.

IN COUNCIL, OAKLAND, CALIFORNIA APR 3 2007, 20    

**PASSED BY THE FOLLOWING VOTE:**

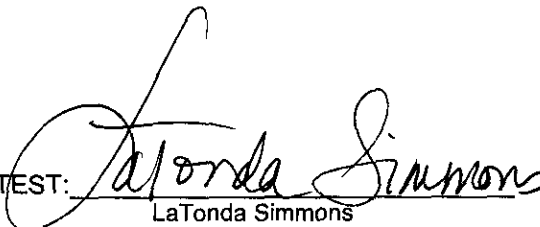
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, ~~NASE~~, REID, QUAN, and PRESIDENT DE LA FUENTE - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Nadel - 1

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California