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OFFICE OF THE CITY CLERK
OAKLAND

2013 APR 11 AM 9:14

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Donna Hom

SUBJECT: FY13-14 Landscaping and Lighting
Assessment District (LLAD)

DATE: March 21, 2013

City Administrator
Approval

Date

4/09/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

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 2013-14 property tax roll. The resolution describes any proposed new improvements or substantial changes in existing improvements, and authorizes the City Administrator to order the District Engineer to prepare and file a Preliminary Engineer's Report for this district with the City Clerk.

Staff requests that Council authorize the City Administrator to order a preliminary LLAD Engineer's Report pursuant to the California Streets and Highways Code. This allows local government agencies to form assessment districts for the purpose of financing the costs and expenses of landscaping and lighting public areas, among other things.

OUTCOME

This report and resolution will initiate the FY 2013-14 assessment process of the LLAD for inclusion in the FY 2013-14 property tax roll. Detailed assessment data for all affected properties are due to the Alameda County Auditor-Controller Agency by August 10, 2013. The proposed resolution orders the preparation of a preliminary Engineer's Report, which will set forth the findings and engineering analyses for the LLAD.

BACKGROUND/LEGISLATIVE HISTORY

The California Landscaping and Lighting Act of 1972 (California Streets and Highways Code Sections 22500-22679) allows local government agencies to form assessment districts for the purpose of financing the costs and expenses of landscaping and lighting public areas, among

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other things as noted below. The City of Oakland formed the Landscaping and Lighting Assessment District 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 support or oppose. In November 1994, the Oakland electorate approved the District and the assessments. In January 2011, the Alameda County Superior Court ruled that the assessments, which were approved by the registered voters prior to the adoption of Proposition 218, are exempt from Proposition 218.

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 40 Park and Recreation Facilities, 44 Field Restrooms and many other recreation related buildings and infrastructure. The LLAD also supports activities outside the Public Works Agency such as community gardens and ball field maintenance. In addition, the LLAD supports the ongoing maintenance of all Park and Recreation facilities including the structures and accessory uses such as the 76 tot lots, water fountains, bleachers, park furniture, and many other outdoor features. The LLAD funds the utility costs for the City's street lights and all park and field-related water use.

The California Streets and Highways Code, Sections 22620-22631, applies to all assessments that are to be levied and collected for a fiscal year, within an existing assessment district. The code describes the requirements for levying assessments as follows:

1. Request a preliminary engineer's report describing any proposed new improvements, or any substantial changes in existing improvements. (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 date, hour, and place for a public hearing.
3. Conduct the public hearing affording all interested parties the opportunity to hear and be heard. The public hearing is scheduled to occur at 6:30 p.m. on June 4, 2013.
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.

The City of Oakland collects the LLAD assessment through the County of Alameda property tax bill. 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 2013-14 property tax roll by August 10, 2013.

ANALYSIS

The purpose of this report and resolution is to initiate the FY 2013-14 assessment process of the LLAD. The detailed assessment data for all affected properties are due to the Alameda County Auditor-Controller Agency by August 10, 2013, for inclusion in the FY 2013-14 property tax roll. The proposed resolution orders the preparation of a preliminary Engineer's Report, which will set forth the findings and engineering analyses for the LLAD.

PUBLIC OUTREACH/INTEREST

A public hearing for the final report will be scheduled for June 4, 2013 at 6:30 p.m.

COORDINATION

The report was prepared in coordination with the City of Oakland Public Works Agency, the City Attorney's Office, and Francisco & Associates; the City's Contractor who annually administers special financing districts.

COST SUMMARY/IMPLICATIONS

This report is for the purpose of initiating the annual assessment process for the LLAD. Per Resolution No. 81740 C.M.S., the contractual agreement with Francisco & Associates, Inc. was extended for an additional year through December 31, 2013. Funding for the contract is budgeted for and includes the service and cost of preparing the Annual Report. There is no impact on the General Fund and no additional funding is requested.

SUSTAINABLE OPPORTUNITIES

Economic: Revenues generated from this assessment is relied upon to fund essential City services.

Environmental: There are no direct environmental impacts associated with the City Council action requested in this report.

Social Equity: There are no direct social impacts associated with the City Council action requested in this report.

For questions regarding this report, please contact Annie To at 238-7494.

Respectfully submitted,



DONNA HOM
Budget Director, Budget Office

Reviewed by:
Osborn Soljtei, Controller

Prepared by:
Annie To, Administrative Services Manager II

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 APR 11 AM 9:14

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION INITIATING THE FY 2013-14 ASSESSMENT PROCESS FOR THE CITY OF OAKLAND LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT AND AUTHORIZING THE CITY ADMINISTRATOR TO ORDER A PRELIMINARY ENGINEERS'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 2013-14 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 2012-13 Engineer's Report approved by the City Council, Resolution No. 83892 C.M.S., on June 05, 2012; 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 2013-14; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to order a Preliminary Engineer's Report for FY 2013-14 for the City of Oakland Landscaping and Lighting Assessment District; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and
PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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