

OAKLAND CITY COUNCIL

RESOLUTION NO. 78305 C.M.S.

OFFICE OF THE CITY CLERK
OAKLAND

B. P. P. P.

2003 DEC 23 AM 11:22

RESOLUTION ESTABLISHING THE OAKLAND WILDFIRE PREVENTION ASSESSMENT DISTRICT; ACCEPTING AND GRANTING FINAL APPROVAL OF THE ENGINEER'S REPORT AND ASSESSMENT DISTRICT BOUNDARY MAP AND DESCRIPTION; MAKING A DETERMINATION WITH REGARD TO THE MAJORITY PROTEST PROCEDURE FOR APPROVAL OF THE ASSESSMENTS; CREATING THE DISTRICT ADVISORY BOARD; AND APPROVING, ADOPTING, AND LEVYING THE ANNUAL ASSESSMENT FOR THE DISTRICT

WHEREAS, the City Council of the City of Oakland enacted the Oakland Fire Suppression, Prevention, and Preparedness District Ordinance (the "Ordinance") establishing the procedures for the formation of fire suppression, prevention, and preparedness districts within the City of Oakland on November 18, 2003; and

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

WHEREAS, the City Council of the City of Oakland wishes to form the Oakland Wildfire Prevention Assessment District ("District") independently pursuant to the Ordinance and state law and has 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 of 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 the funding of services and activities 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; and

WHEREAS, the City Council of the City of Oakland adopted a Resolution of Intention to form the Oakland Wildfire Prevention Assessment District ("District") on November 4, 2003; and

WHEREAS, the City Council of the City of Oakland finds that all the legal prerequisites for the formation of the District independently under the Ordinance and under state law have been met and that there has been no valid protest that would preclude formation of the District:

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 find and resolve as follows:

1. The City Council finds that the City Clerk gave 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 gave all other notices and took all other actions required by law with regard thereto.
2. A Public Hearing was held on 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.
3. At the hearing the testimony of all interested persons for or against the establishment of the District, the boundaries of the District, the funding of the specified types of services and activities through the special assessment, and the imposition of the annual assessment for the District was heard. All protests, both written and oral, are overruled and denied and the City Council finds that there is not a majority protest within the meaning of the Ordinance and state law.
4. The City Council finds, determines and declares that the District and each parcel therein is benefited by the services and activities funded by the assessment to be levied, including all expenses incurred incidentally thereto, upon the lots and parcels of real property in proportion to the estimated benefits to be received as specified in the Engineer's Report.
5. A fire suppression, prevention and preparedness district is hereby established independently pursuant to the Ordinance and state law with the boundaries as specified in the Engineer's Report, Description of Assessment District Boundaries, Assessment Roll, and map.
6. The Engineer's Report for the District and the proposed assessment district boundary description, assessment roll and map is accepted and approved and the assessments for the first

year shall be as provided for in the Engineer's Report and assessment roll. The assessments for each subsequent year shall be as specified in the Engineer's Report and assessment roll unless modified by the City Council as provided for in the Ordinance.

7. The name of the District shall be the Oakland Wildfire Prevention Assessment District ("District").
8. The reasons for the assessments and the types of activities and services proposed to be funded 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.
9. An assessment will be levied annually to pay for all activities and services described in the Engineer's Report for the District. Non-program administrative expenses shall be limited to 5% of the District's annual budget.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. The City Council hereby creates an Advisory Committee for the District as provided for in the Ordinance. 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. Advisory Committee appointees shall serve for a period of two years. However, for the initial appointments by the Mayor and

the Councilmembers who appoint two members to the Advisory Committee one appointment shall be for a term of two years and the other for a term of three years. Thereafter each subsequent appointment shall be for a term of two years. 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.
16. There shall be an annual independent audit of the District.
17. The City Clerk shall file and record a notice and map describing the assessment district or such other describing documentation as is required to complete the assessment levy with the appropriate county office.
18. Properties in the District and the operation of the District shall be subject to the provisions of and any amendments to the Oakland Fire Suppression, Prevention, and Preparedness District Ordinance.
19. The City Manager is hereby authorized to enter into contracts on behalf of the District for services, goods, or materials required by the District, and shall have the same contracting authority and limits as for other City of Oakland contracts.

JAN 20 2004

IN COUNCIL, OAKLAND, CALIFORNIA, _____, _____

PASSED BY THE FOLLOWING VOTE:


AYES- BRUNNER, CHANG, , ~~BROOKS~~, NADEL, REID, , QUAN, WAN and PRESIDENT DE LA FUENTE -7

NOES- 0

ABSENT- 0

ABSTENTION- 0

EXCLUDED - BROOKS - 1

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