

Macaulay

City Attorney's Office

2021 APR 29 AM 6:56

OAKLAND CITY COUNCIL

RESOLUTION NO. 88631 C.M.S.

RESOLUTION 1) PRELIMINARILY ACCEPTING AND APPROVING THE ENGINEER'S REPORT; 2) CALLING FOR A PUBLIC HEARING ON THE PROPOSED ASSESSMENT DISTRICT TO BE HELD BY THE COUNCIL ON TUESDAY, JULY 20, 2021 AT 1:30 P.M. AND AN ASSESSMENT BALLOT PROCEEDING FOR THE CITY OF OAKLAND UTILITY UNDERGROUND ASSESSMENT DISTRICT NO. 2021-232, PIEDMONT PINES PHASE II; AND 3) DESIGNATING THE ENGINEER OF WORK TO ASSIST THE CITY CLERK IN CONNECTION WITH THE MAILING AND TABULATION OF THE BALLOTS, AND TO ANSWER INQUIRIES REGARDING THE PROTEST PROCEEDINGS APPLICABLE TO THE ASSESSMENT DISTRICT

WHEREAS, the City Council (the "Council") of the City of Oakland (the "City") has on this date adopted a resolution of intention (the "Resolution of Intention") with respect to certain utility underground and street lighting improvements to be constructed in the Piedmont Pines Phase II area of the City (as further described in the Resolution of Intention, the "Improvements") under and pursuant to the Municipal Improvement Act of 1913, as amended (the "Act"); and

WHEREAS, the Resolution of Intention initiated proceedings for the City of Oakland Utility Underground Assessment District No. 2021-232 (Piedmont Pines Phase II) (the "Assessment District"), referred the proposed Improvements to Harris & Associates, as the Engineer of Work for the Assessment District, directed the Engineer of Work to cause to be made and filed with the City Clerk a report in writing (hereinafter, the "Report"), all as therein more particularly described in the language of the Resolution of Intention, and under the Act; and

WHEREAS, the Engineer of Work has caused to be made and filed with the City Clerk the Report as called for in the Resolution of Intention and under and pursuant to the Act, which has been presented to this Council for consideration; and

WHEREAS, this Council has duly considered the Report and each and every part thereof and finds that each and every part of the Report is sufficient, and that at this time the Report should not be modified in any respect; now, therefore, be it

RESOLVED: That the Report, including without limitation the general description of the proposed Improvements, the estimate of the costs of the Improvements and incidental expenses in connection with the Improvements, the total cost of the Improvements, the diagram showing

the Assessment District and the boundaries and dimensions of the subdivisions of land within the Assessment District as they existed at the time of the passage of the Resolution of Intention, the proposed assessment of the cost and expense of the proposed Improvements upon each subdivision of real property in the Assessment District in proportion to the estimated special benefits to be received by those subdivisions respectively from the Improvements, and the proposed maximum annual assessment upon each of the several subdivisions of land in the Assessment District to pay costs incurred by the City and not otherwise reimbursed which result from the administration of any bonds and reserve or other related funds, contained in the Report are hereby preliminarily approved; and be it

FURTHER RESOLVED: That the Report shall stand as the Engineer's Report for the purpose of all subsequent proceedings had pursuant to the Resolution of Intention; and be it

FURTHER RESOLVED: That a public hearing on the proposed Assessment District shall be held by the Council in the City Council Chambers on Tuesday, July 20, 2021, at 1:30 p.m. or as soon thereafter as the matter may be heard. The public hearing may be continued from time to time as determined by this Council. The Engineer of Work is hereby directed to provide notice of the public hearing as required by applicable law; and be it

FURTHER RESOLVED: That an assessment ballot proceeding shall be held of the landowners within the proposed Assessment District as required by Article XIII D of the California Constitution, with the ballots tabulated by or on behalf of the City Clerk at the conclusion of the public hearing referred to above as required by Section 53753 of the California Government Code. The City Clerk is hereby directed to cause a ballot and enclosing envelope in a form provided by the Engineer of Work and prepared in accordance with Section 53753 of the California Government Code, to be delivered to the owners of all of the property in the proposed Assessment District. Ballots shall be mailed not less than 45 days before the date of the public hearing referred to above. Ballots must be received by the City Clerk at the address indicated on the ballot at or before the close of the public hearing, and any ballots received after the close of the public hearing will not be tabulated even though the postmark on the envelope transmitting the ballot is dated on or before the date of the public hearing. Ballots of those voting shall be weighted according to the proportional financial obligation of the affected property; and be it

FURTHER RESOLVED: That The City Clerk is hereby designated as the impartial person, without a vested interest in the outcome of the assessment, responsible for the tabulation of the ballots, and is hereby authorized to engage a consultant to assist in the tabulation of the ballots in accordance with California Government Code Section 53753(e). The City Clerk shall maintain a separate and secure file for the safekeeping of the assessment ballots as they are received and pending tabulation. Ballots shall be received up to the time of the close of the public hearing. Ballots shall remain sealed until the close of the public hearing and the beginning of the tabulation, provided that ballots may be submitted, or changed, or withdrawn by the person submitting the ballot prior to the conclusion of the public hearing. During and after tabulation, the ballots shall be disclosable public records under Section 6252 of the California Government Code; and be it

FURTHER RESOLVED: That the Engineer of Work is hereby designated to assist the City Clerk in connection with the mailing and tabulation of the ballots referred to above, and to answer inquiries regarding the protest proceedings applicable to the Assessment District; and be it

FURTHER RESOLVED: The City Council finds and determines, after its independent review and consideration, that the requirements of the California Environmental Quality Act ("CEQA") have been met as detailed in the City Administrator's Agenda Report accompanying this item, hereby incorporated by reference as if fully set forth herein.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 10 2021

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, ~~BENNETT~~ THAO, AND
PRESIDENT FORTUNATO BAS - 6

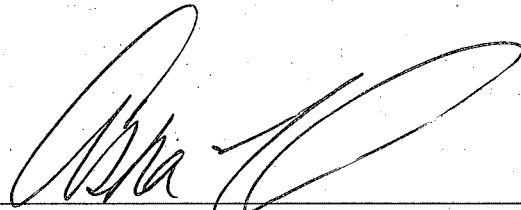
NOES – 0

ABSENT – 0

ABSTENTION – 0

2 Excused - Taylor & Reid

ATTEST:



ASHA REED

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