

2003 OCT 23 PM 2:10

**CITY OF OAKLAND  
AGENDA REPORT**

TO: Office of the City Manager  
ATTN: Deborah Edgerley  
FROM: Gerald A. Simon, Fire Chief  
DATE: November 4, 2003

**RE: A FOLLOW-UP REPORT PROVIDING REVISIONS AND  
ADDITIONS TO THE OAKLAND WILDFIRE PREVENTION  
ASSESSMENT DISTRICT.**

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**SUMMARY**

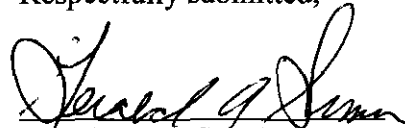
At the direction of City Council, the Fire Department is forwarding the revised documents implementing the Public Safety Committee's changes to the Oakland Wildfire Prevention Assessment District. They include the revised Resolution of Intent, Assessment Roll (on file in the City Clerk's office) and the Engineer's Report with an illustration of the revised map.

Two additional items to be included are: the Notice of Public Hearing, for the Council's information; and the Resolution authorizing the City Manager to vote the City's ballots.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council accept these revisions to the agenda report.

Respectfully submitted,

  
GERALD A. SIMON  
Fire Chief

APPROVED AND FORWARDED TO  
CITY COUNCIL:

  
OFFICE OF THE CITY MANAGER

Item : **23**  
City Council  
November 4, 2003

**GENERAL DESCRIPTION:****Boundary of the Wildfire Prevention  
Benefit-Assessment District**

All that area within the City of Oakland generally to the north and east of the following boundaries: beginning at the intersection of the MacArthur Freeway and the common border with the City of San Leandro, northwest on MacArthur Boulevard to Foothill Boulevard; northwest on Foothill Boulevard to Stanley Avenue; northwest on Stanley Avenue to 98<sup>th</sup> Avenue; southwest on 98<sup>th</sup> Avenue to Lawlor Avenue; northwest on Lawlor Avenue to Burr Street; northwest on Burr Street to Thermal Street; northwest on Thermal Street to the junction with Seneca Street; southwest from the junction of Thermal and Seneca Streets to MacArthur Boulevard; northwest on MacArthur Boulevard to 82<sup>nd</sup> Avenue; northeast on 82<sup>nd</sup> Avenue to Utah Street; northwest on Utah Street to Partridge Avenue; southwest on Partridge Avenue to Hillmont Drive; northwest on Hillmont Drive to Tully Place; southwest on Tully Place to Outlook Avenue; northwest on Outlook Avenue to Parker Avenue; southwest on Parker Avenue to Outlook Avenue; northwest on Outlook Avenue to Seminary; northeast on Seminary Avenue to intersection of the MacArthur Freeway; northwest along the MacArthur Freeway to Buell Street; northeast on Buell Street to Tompkins Avenue; northwest on Tompkins Avenue to 250' northwest of Vale Avenue; continue north to 150' south of Gregory place; continue southwest to Victor Ave; continue south along Patterson Avenue to Wisconsin Street; northwest on Wisconsin Street to Carlsen Street; northwest on Carlsen Street to Maple Avenue; southwest on Maple Avenue to Morgan Avenue; northwest on Morgan Avenue to Barner

Avenue; southwest on Barner Avenue to Morgan Avenue; northwest on Morgan Avenue to Coolidge Avenue; northeast on Coolidge Avenue to Alida Street; northwest on Alida Street to Lincoln Avenue; southwest on Lincoln Avenue to Tiffin Road; southwest on Tiffin Road to Fruitvale Avenue and Diamond Park; southwest, northwest and northeast along boundary of Diamond Park to El Centro; northwest on El Centro to Dolores Avenue; northeast on Dolores Avenue to Park Boulevard; northeast on Park Boulevard to the common border with the City of Piedmont; northwest along the common border with the City of Piedmont to Mountain View Cemetery; northwest through the wooded areas of the cemetery and the Claremont Country Club to Broadway Terrace; southwest on Broadway Terrace to Margarido Drive; north on Margarido Drive to Lawton Avenue; northwest on Lawton Avenue to Broadway; northeast on Broadway along Hwy 24 to Golden Gate Avenue; northwest on Golden Gate Avenue to common border with Berkeley; continuing west along the common border with the City of Berkeley to Panoramic Way; northeast along the Panoramic Trail to Fish Ranch Road.

*Beal*

OFFICE OF THE CITY CLERK  
OAKLAND

2003 OCT 23 PM 3: 34

NOTICE AND DIGEST

AN ORDINANCE ESTABLISHING PROCEDURES  
FOR THE CREATION OF SPECIAL  
ASSESSMENT DISTRICTS TO FUND SERVICES  
AND PROGRAMS FOR FIRE SUPPRESSION,  
PREVENTION AND PREPAREDNESS WITHIN  
DESIGNATED AREAS OF THE CITY OF OAKLAND

This Ordinance establishes procedures for the creation of special assessment districts to fund services and programs for fire suppression, prevention and preparedness within the City of Oakland. The Ordinance is based on the authority of the City of Oakland as a charter city. It establishes a process for the creation of such districts and the general limits on the kinds of programs and services that can be provided, as well as certain provisions for the operation of the districts. The Ordinance does not, in itself, create a district. Each district created under the terms of the Ordinance would be created pursuant to the Ordinance by separate Resolution of the City Council after a public hearing and majority protest procedure. The Ordinance supplements state law regarding the creation of fire districts.

**23**  
ORA/COUNCIL  
NOV - 4 2003

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

*[Signature]*  
CITY ATTORNEY

OFFICE OF THE CITY CLERK  
OAKLAND

ORDINANCE NO. \_\_\_\_\_ C.M.S.

2003 OCT 23 PM 3:34

**AN ORDINANCE ESTABLISHING PROCEDURES  
FOR THE CREATION OF SPECIAL  
ASSESSMENT DISTRICTS TO FUND SERVICES  
AND PROGRAMS FOR FIRE SUPPRESSION,  
PREVENTION AND PREPAREDNESS WITHIN  
DESIGNATED AREAS OF THE CITY OF OAKLAND**

**WHEREAS**, the high fire risks inherent in the urban wildland interface areas of the City of Oakland pose a significant threat to lives and property throughout the urban wildland interface areas and adjacent neighborhoods; and

**WHEREAS**, the City of Oakland has suffered urban wildland interface fires such as the October 1991 firestorm in the Oakland Hills, and the City Council wishes to establish a dedicated source of funding to upgrade the level of vegetation management and fire' suppression activities in the urban wildland interface areas and adjacent neighborhoods in an attempt to mitigate theses identified risks on an on-going basis; and

**WHEREAS**, the City of Oakland is a municipal corporation and chartered city duly organized and existing pursuant to its charter (the "charter"), the Constitution and laws of the State of California; and

**WHEREAS**, the City Council, acting under and pursuant to the powers reserved to the City under the, Constitution of the State of California and Section 106 of the Charter wishes to adopt a procedure for the authorization and creation of special assessment districts to fund services and programs for fire suppression, prevention and preparedness within the areas of the City of Oakland at risk from such fires;

**NOW, THEREFORE**, the Council of the City of Oakland does ordain as follows:

**Section 1. OAKLAND MUNICIPAL CODE**

**23**  
**ORA/COUNCIL**

**NOV - 4 2003**

The text of this ordinance, starting with the following sections, shall be added to Chapter \_\_\_\_\_, Article \_\_\_\_\_ of the Oakland Municipal Code.

This ordinance may be referenced as the "Oakland Fire Suppression, Prevention, and Preparedness District Ordinance."

**Section 2. FINDING AND PURPOSE**

The Council finds as follows:

A. The Oakland Hills Fire of October 1991 brought into stark focus the need to take preventative steps both to reduce the likelihood of another such conflagration, and to reduce the severity of its consequences in the event that, despite increased efforts, another large fire should occur.

B. Although a disaster such as the October 1991 Fire has far-reaching consequences, the damage to the lives and property of the residents and property owners of such fire risk areas is of an altogether different order of magnitude than that suffered by the City-at-large. Therefore, it is the residents of the urban wildland interface areas and adjacent neighborhoods of the City (or other areas of the City with a cognizable, special fire danger) that will specially benefit from the suppression, preventative and preparedness procedures of a special benefit fire suppression, prevention and preparedness district; and it is those areas that should properly and equitably bear the costs of the extra services involved.

C. The implementation of a locally-funded mechanism to implement a program of fire suppression, prevention and preparedness in areas of the City specially in need of such services to supplement and augment the provisions of state law is a matter of special local interest and concern and is a proper subject for an ordinance adopted under the City's Charter powers.

**Section 3. RESOLUTION; DETERMINATION AND LEVY OF ASSESSMENT**

The City Council may, by resolution, adopted after notice and public hearing, create a special benefit fire suppression, prevention and preparedness district for designated areas of the City of Oakland, and may determine and levy an annual assessment for the district so established for fire suppression, prevention and preparedness services pursuant to this chapter. The duration of the existence of this assessment district may be specified by the City Council in the resolution creating the district, and, if not specified, shall continue in

existence until terminated by City Council action in a resolution dissolving the district.

The assessment may be made for the purpose of providing fire suppression, prevention and preparedness services and programs including, but not limited to: inspection services to monitor and identify hazardous conditions; inspection services to identify Fire Code violations in order to provide notice of violations, abatement proceedings, imposition of fines and institution of formal legal enforcement measures; mitigation services to reduce and eliminate fire hazardous condition's; fire suppression and prevention education services and programs for area schools, churches and neighborhood homeowner associations; planning, personnel and material assistance to the Citizens of Oakland Respond to Emergencies (CORE) Program; neighborhood access and evacuation training programs; signage, tow-away zones, and other services and facilities to reduce evacuation "bottlenecks"; parking programs to improve access for emergency vehicles; services and equipment for mechanical chipping of landscaping debris; debris removal or recycling; reduction of heavy fuel loads on open spaces; clearing of the rights-of-way of public paths (including stairs) and trails, improving and extending such paths in critical fire areas, and providing adequate signage; building and maintaining fire breaks; obtaining, furnishing, operating and maintaining fire suppression equipment or apparatus that is devoted to district operations; deployment of additional firefighting personnel in periods of increased fire-hazard weather conditions; paying the salaries and benefits of firefighting or civilian personnel, or both, involved in providing these services, whether or not fire suppression or inspection services are actually used by or upon a parcel, improvement, or property. Funds from any district revenues shall be used solely for the purpose of enhancing fire suppression, prevention and preparedness services within the district.

#### **Section 4. UNIFORM SCHEDULES AND RATES; RISK CLASSIFICATION**

(a) The resolution, by means of the adoption of a Final Report (as defined in Section 13), shall establish uniform schedules and rates based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The risk classification may include, but need not be limited to, the amount of water required for fire suppression on that property, the structure size, type of construction, structure use, and other factors relating to potential fire and panic hazards and liabilities, the costs of providing the fire suppression by the City to that property, and any other factors which reflect the benefit to the land

resulting from the fire suppression, prevention and preparedness services. The assessment shall be related to the benefits to the property assessed.

(b) The benefit assessment levies on land devoted primarily to agricultural, timber, or livestock uses, and being used for the commercial production of agricultural, timber, or livestock products, shall be related to the relative risk to the land and its products. The amount of the assessment shall recognize normal husbandry practices that serve to mitigate risk, onsite or proximate water availability, response time, capability of the fire suppression service, and any other factors which reflect the benefit to the land resulting from the fire suppression, prevention, and preparedness services provided. A benefit assessment shall not be levied for wildland or watershed fire suppression on land located in a state responsibility area as defined in Section 4102 of the Public Resources Code.

(c) The use, risk and benefit calculations and classifications may take into account the character of each large parcel with regard to its proportion of development, partial development, limited kind of development, and partially undeveloped character. For the purposes of assessment of benefit, each such large parcel may be considered as being several parcels of differing character, and be assessed as such on a proportionate or separate category basis reflecting such mixed use when there is a substantially large percentage of partial development, limited kind of development and/or undeveloped land in proportion to the developed portion of the land.

**Section 5. RESOLUTION; PRESUMPTION OF COMPLIANCE WITH REQUIREMENTS**

Any resolution adopted by the City Council pursuant to this article establishing uniform schedules and rates for assessment for fire suppression, prevention, and preparedness services, which substantially conforms with the model ordinance that the State Fire Marshal is authorized to adopt pursuant to Section 13111 of the California Health and Safety Code, shall be presumed to be in compliance with the requirements of Section 4.

**Section 6. WRITTEN REPORT; FILING; CONTENTS**

The City Council shall cause to be prepared and filed with the City Clerk a written report (the "Benefit Assessment Report") which shall contain all of the following:



(a) a general description of the nature and objective of the programs or services to be funded;

(b) A description of each lot or parcel of property proposed to be subject to the assessment which may be accomplished by means of a map together with the Assessor's Parcel Number of each lot or parcel.

(c) The amount of the assessment for each lot or parcel for the initial fiscal year in which it is proposed to levy an assessment, and, when applicable, the maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year.

(d) The basis and duration of the assessment.

(e) The schedule of the assessment.

(f) A statement as to the maximum amount by which the assessment may increase for the duration of the assessment period, if any.

(g) A description specifying the requirements for protest and hearing procedures for the proposed assessment.

**Section 7. ZONES OR AREAS OF BENEFIT; ESTABLISHMENT; LEVY OF ASSESSMENT**

(a) The City Council may establish zones or areas of benefit within the district and may restrict the imposition of assessment to areas lying within one or more of the zones or areas of benefit so established.

(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the zone, or area of benefit.

(c) The assessment may be levied against any parcel, improvement, or use of property to which such services may be available whether or not the service is actually used.

**SECTION 8. NOTICE OF FILING OF REPORT AND HEARING; PUBLICATION, POSTING AND MAILING**

The City Clerk shall cause notice, protest, and hearing procedures to comply with California Government Code Section 53753. The mailed notice shall also contain the name and telephone number of the person designated by the City Council to answer inquiries regarding the protest proceedings.

**Section 9. WRITTEN PROTEST PRIOR TO HEARING  
CONTENTS; DELIVERY**

At any time not later than the close of the public hearing, any proposed assessee, whether a fee owner, lessee, or otherwise of the interest in the property which is proposed to be assessed and who will be directly obligated to pay any proposed assessment by the terms of the assessment, may make written protest against the proposed assessment. The protest shall be in writing, shall contain a description of the property and the interest in the property which each signer of the protest represents, sufficient to identify the property, and, if the signers are not shown on the last equalized assessment roll as the owners of that property, shall contain or be accompanied by written evidence that the signers are the holders of the property interest proposed to be charged and who will be obligated to pay the proposed charge. All protests shall be delivered to the City Clerk as provided for in the notice and, for the purposes of Section 10, no other protests or objections shall be considered.

**Section 10. HEARING; WITHDRAWAL OF PROTEST**

(a) At the time, date, and place stated in the notice, the City Council shall conduct a public hearing upon the proposed assessment and hear and consider all objections or protests, if any, to the proposed assessment and the report referred to in the notice and shall also hear and determine all protests. At the public hearing any interested person shall be permitted to present written and oral testimony. The City Council may continue the hearing from time to time.

(b) Any written protest may be withdrawn, in writing, by the person who made the protest at any time prior to the conclusion of the protest hearing or any adjournment of the hearing.

(c) At the conclusion of the public hearing the City Clerk shall direct the tabulation of the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment.

**Section 11. MAJORITY PROTEST; EFFECT**

A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighing those assessment ballots by the amount of the proposed assessment

to be imposed upon the identified parcel for which each assessment ballot was submitted. If the City Council finds that a majority protest exists, the City Council shall not impose, extend, or increase the assessment to which there was a majority protest.

**Section 12. DETERMINATION OF EXISTENCE OF A MAJORITY PROTEST**

If it shall be necessary, in order to find whether a majority protest exists, to determine whether any or all of the signers of written protests are the holders of property interests proposed to be assessed and who will be obligated to pay the proposed assessment, the City Council shall make the determination from the latest equalized assessment roll, any written evidence submitted with a written protest, and any other evidence received at the hearing. The City Council shall be under no duty to obtain or consider any other evidence as to the holding of property interests, and its determination of valid protests shall be final and conclusive.

**Section 13. ASSESSMENT; DETERMINATION BY CITY COUNCIL IN ACCORDANCE WITH REPORT OR HEARING; ORDINANCE OR RESOLUTION; LEVY**

If no protests or objections in writing have been delivered to the City Clerk within the time permitted, or if valid protests have been found by the City Council to represent less than the amount required to constitute a majority protest, the City Council may, thereafter, proceed to form the district and adopt, revise, change, reduce (but may not increase), or modify any aspect of the Benefit Assessment Report including the proposed assessment, determine the final contents of such written report and levy the first year assessment in accordance therewith. The report as finally adopted shall be called the "Final Report."

**Section 14. LEVY OF ANNUAL ASSESSMENTS AFTER THE FIRST YEAR**

Each year, prior to levying the annual assessment authorized under this chapter pursuant to the Final Report, the City Council shall cause to be prepared and filed with the City Clerk an annual written statement ("Annual Report") setting forth as nearly as possible the use to which the funds, resulting from the assessment levied the previous year, have been and are being put. The Annual Report shall set forth the expected uses of the assessment proposed to be levied for the next fiscal year and shall set forth the proposed amount of the assessment on each parcel subject to the method of assessment and limitation on assessment of the Final Report. The City Council may

preliminarily accept the Annual Report and set a public hearing thereon. The City Clerk shall cause notice of the filing of the Annual Report and of the time, date, and place of the public hearing thereon to be published pursuant to Section 6066 of the California Government Code and to be posted in at least three public places within the City. Following the public hearing, the City Council may confirm or reduce (but may not increase) the assessment proposed in the annual written statement and may levy the assessment by resolution. Any reduction shall be subject to the method of assessment in the Final Report.

**Section 15. COLLECTION; COSTS; DEDUCTION BY COUNTY**

The City Council may provide for the collection of the assessment in the same manner and at the same time and in the same installments as the general taxes of the City on real property are payable and are subject to the same penalties as, other fees, charges, and taxes fixed and collected by or on behalf of the City. If the assessment is collected by the County, the County may deduct its reasonable costs incurred for that service before remittal of the balance to the City. In the event the City Council does provide for collection of the assessment by the County hereunder, the City Clerk shall annually, following the levy of the assessment by the City Council, and on a timely basis to permit its inclusion on the County tax roll, convey to the County Auditor an auditor's record showing, for each parcel subject to assessment, the amount of the assessment for the current fiscal year. The City Clerk shall take whatever steps are reasonably necessary to enable the County Auditor to accurately place the annual assessments on the tax rolls each year. The Clerk's costs in doing so may be paid out of the proceeds of the assessment. Additionally, the City may recover from the proceeds of the assessment any other costs it incurs with regard to the formation or the continuing operation of the district, including but not limited to the costs of the engineer's report, the noticing and conducting of the public hearing and majority protest procedure, annual report, survey, public outreach, and the costs of preparing and levying the assessment. All proceeds of the assessment are, at all times, to be maintained separately, and segregated from, the General Fund.

**Section 16. PROCEEDINGS TO CHANGE OR AMEND THE FINAL REPORT AFTER ADOPTION**

The City Council may conduct proceedings to change or amend the Final Report. Such proceedings may alter the method and amount of the assessment, may increase or decrease the authorized services, and may change the boundary of a zone or area of benefit, or may add or

subtract zones or areas of benefit. The procedure to be used in conducting change proceedings is the same as that required for the initial authorization of the assessment as set forth in this chapter. Proceedings to add or annex territory to that already subject to assessment shall be conducted only with respect to the area to be added or annexed. Proceedings to increase the assessment (in fact or merely in relation to other areas subject to assessment) on a portion of the area subject to assessment shall be conducted only in the area subject to the proposed increase.

**Section 17. ACTIONS OR PROCEEDINGS TO CHALLENGE  
RESOLUTIONS LEVYING ASSESSMENT; LIMITATIONS**

Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure applies to any judicial action or proceedings to validate, attack, review, set aside, void or annul a resolution adopting a Final Report and levying an initial assessment or modifying or amending a Final or Annual Report and levying an assessment. Annual assessments, after the first year and in conformity with an adopted Final or Annual Report providing for a continuation of the fee or assessment at the same or a lower rate or in accordance with an automatic adjustment provision for an assessment, are not subject to any additional legal challenge at the time of the renewal of the assessment in accordance with such continuation of or automatic adjustment of the assessment. Any ground of challenge not raised by a complainant in a written or oral protest submitted with respect to a public hearing held in connection with the adoption or modification of such Final or Annual Report, is considered to have been waived by that complainant, and may not be raised by that complainant in any legal challenge to assessments levied in conformity with an approved Final or Annual Report.

**Section 18. OTHER FEES, CHARGES ASSESSMENT AND TAXES**

This chapter does not limit or prohibit the levy or collection of any other fee, charge, assessment, or tax for fire suppression services authorized by any other provisions of law.

**Section 19. LIBERAL CONSTRUCTION; VALIDITY OF  
PROCEEDINGS; EXCLUSIVE REMEDY**

This chapter shall be liberally construed in order to effectuate its purposes. No error, irregularity, informality, and no neglect or omission of any officer, in any procedure taken under this division, shall avoid or invalidate such proceeding or any assessment. The exclusive

remedy of any person affected or aggrieved thereby shall be by appeal to the City Council.

**Section 20. PROVISIONS REGARDING NOTICE**

No step in any proceeding shall be invalidated or affected by any error or mistake or departure from the provisions governing the giving of notice under this chapter. The failure of the City Clerk to mail any notice or the failure of any person to receive the notice shall not affect in any way whatsoever the validity of any proceedings taken under this division, nor prevent the City Council from proceeding with any hearing so noticed. No notice, nor any publication of any notice, order, resolution, or other matter, other than as expressly provided in this chapter, shall be necessary to give validity to any of the proceedings provided in this chapter.

**Section 21. ESTABLISHMENT OF ADVISORY COMMITTEE**

**APPOINTMENT.** The City Council in its discretion may appoint an advisory committee for the district to advise and/or make recommendations to the City Council on the operation of the district. Such appointment may take place in the resolution creating the district or in a subsequent resolution of the City Council.

**TERMS OF APPOINTMENT.** The terms of appointment shall be as specified in the resolution establishing the advisory committee. The members of the advisory committee shall serve without salary or compensation.

**POWERS AND DUTIES OF THE ADVISORY COMMITTEE.** The advisory committee shall have such powers and duties as are determined by the City Council in its resolution creating the advisory committee.

**Section 22. ANNUAL BUDGET.** The City Manager shall prepare an annual budget which includes the assessment rate for the next fiscal year as well as the programs to be funded by the assessment district revenue, including revenue from fines and code enforcement activities. The budget may include accounts which may be used to fund contract services to meet District objectives. The City Council will retain final approval of all contracts.



# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

*B. DeBevoise*  
**REVISED**  
10/14/03

**RESOLUTION OF INTENTION TO FORM THE OAKLAND WILDFIRE PREVENTION ASSESSMENT DISTRICT, ACCEPTING AND GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT, DIRECTING FILING OF THE ENGINEER'S REPORT AND PROPOSED ASSESSMENT DISTRICT BOUNDARY MAP, SUBMITTING THE PROPOSED ASSESSMENT TO THE DISTRICT ASSESSEES FOR MAJORITY PROTEST PROCEDURE, AND SCHEDULING A PUBLIC HEARING FOR JANUARY 6, 2004.**

**WHEREAS**, the City Council of the City of Oakland is in the process of enacting the Oakland Fire Suppression, Prevention, and Preparedness District Ordinance (the "Ordinance") establishing the procedures for the formation of fire suppression, prevention, and preparedness districts; and

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

**WHEREAS**, the Oakland Hills area is a unique and extraordinary urban/wildlands interface where large fires are a distinct possibility. The continuous fuel bed, steep canyons, and dry summers followed by high Diablo winds in late summer and early fall make the Oakland Hills an environment at risk; and

**WHEREAS**, the city budget maintains the current basic fire station and suppression services, but former grants and funds for vegetation management have been cut or exhausted. In light of this reality, the residents in the affected area will fund a special assessment district to provide funding for these services for a period of ten years; and

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

**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 resolve as follows:

1. A fire suppression, prevention and preparedness district is proposed to be established pursuant to the Ordinance and state law with the boundaries as specified in the Engineer's Report and map, a copy of which is attached hereto as **Exhibit A**.
2. The Engineer's Report and the proposed assessment district boundary map for the District prepared by the engineer shall be placed on file in the office of the City Clerk,
3. The Engineer's Report for the District and the proposed assessment district boundary map is accepted and preliminarily approved and the assessments for the first year shall be as provided for in the Engineer's Report if the district is established unless modified as provided for in the Ordinance and state law by Council after the public hearing and tabulation of ballots. However, no such modification shall increase the amount of the assessment.
4. The name of the District shall be the Oakland Wildfire Prevention Assessment District ("District").
5. The reasons for the assessments and the types of the improvements, activities and services proposed to be funded and provided 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.
6. An assessment will be levied annually to pay for all improvements, activities, and services provided for in the Engineer's Report for the District. Non-program, administrative expenses shall be limited to 5% of the District's annual budget.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. The Council intends to create an Advisory Committee for the District as provided for in the Ordinance and to require an annual independent audit of the District. 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.
13. The City Clerk is directed to give 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 give all other notices and take all other actions required by law with regard thereto.
14. A Public Hearing is set for 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.
15. At the hearing the testimony of all interested persons for or against the establishment of the District, and the proposed assessment will be heard.
16. A protest may be made in writing by any interested person through the ballot procedure. The procedures applicable to the completion and return of the ballots are as specified in notice and the ballot. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in

writing and shall clearly set forth the irregularity or defect to which the objection is made.

17. Every written protest shall be filed with the City Clerk at or before the close of the public hearing as provided for in the notice. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.
18. Each written protest shall contain a description of the property in which the person subscribing the protest is interested sufficient to identify the property and, if a person subscribing is not shown on the official records of the City as the owner of the property, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the property.
19. A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.
20. After the close of the Public Hearing, the ballots will be tabulated under the direction of the City Clerk and the results of the tabulation will be reported to the City Council. A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighing those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. If the City Council finds that a majority protest exists, the City Council shall not impose the assessment to which there was a majority protest. If a majority protest is found not to exist then the City Council may proceed to form the district, give final approval to the Engineer's Report, and impose the assessment for the District.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, \_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

**23**  
**ORACOUNCIL**

**NOV - 4 2003**

ATTEST: \_\_\_\_\_

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

*B. Plabewh*

# OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No. \_\_\_\_\_ C.M.S.

2003 OCT 23 PM 3: 35

**RESOLUTION AUTHORIZING THE CITY MANGER TO EXECUTE THE BALLOT FOR ALL THE CITY OWNED PROPERTIES ON WHICH ASSESSMENTS ARE TO BE LEVIED FOR THE OAKLAND WILDFIRE ASSESSMENT DISTRICT TO SUPPORT THE FORMATION OF THE DISTRICT AND APPROVE THE ASSESSMENTS AND, IF THE DISTRICT IS FORMED, TO TAKE THE NECESSARY ACTIONS TO PAY THE AMOUNT OF THE ASSESSMENTS FOR THE CITY OWNED PROPERTIES IN AN AMOUNT NOT TO EXCEED A TOTAL OF \$1,489,774.00 OVER THE TEN YEAR ASSESSMENT PERIOD**

**WHEREAS**, the City Council is in the process of approving the "Oakland Fire Suppression, Prevention, and Preparedness District Ordinance" (the "Ordinance") establishing and delineating the procedures for the formation of fire suppression, prevention, and preparedness districts within the City of Oakland; and

**WHEREAS**, the City Council is in the process of creating the Oakland Wildfire Prevention Assessment District (the "District") in the Oakland Hills portion of the City as specified in the Engineer's Report and Map on file with the City Clerk and has initiated such proceedings by Oakland City Council Resolution of Intention to form the District pursuant to the Ordinance and state law as described in the Resolution of Intention; and

**WHEREAS**, the City of Oakland owns property which is within the District and which is subject to the District assessments (as listed on the Engineer's Report and Map on file with the City Clerk); and

**WHEREAS**, the City of Oakland has the right to cast its ballot in favor of or opposing the formation of the District and the proposed assessments; and

**WHEREAS**, the assessments will take place on a yearly basis for the ten year life of the District; and

**WHEREAS**, the maximum total anticipated assessment amount over the ten year life of the District for the City owned properties is \$1,489,774.00; and

**WHEREAS**, the City Council wishes to authorize the City Manager to cast the Ballots of the City of Oakland in favor of the formation of the District and the proposed assessments and, if the District is formed, to pay the amount of the assessments on the City owned property; **Now, therefore, be it**

**23**  
**ORA/COUNCIL**  
**NOV - 4 2003**

**RESOLVED:** That the City Council hereby authorizes the City Manager to execute the ballots for all the City owned properties on which assessments are to levied in support of the formation of the District and the proposed assessments, and, if the district is formed, to take the necessary actions to pay the amount of the district assessment for the City owned properties in an amount not to exceed \$1,489,774.00 over the ten year assessment period.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN, AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

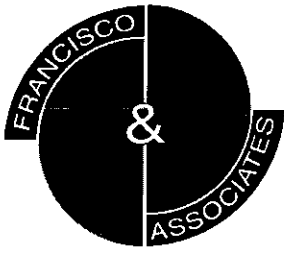
ABSTENTION-

ATTEST: \_\_\_\_\_

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

**23**  
**ORA/COUNCIL**

**NOV - 4 2003**



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**PRELIMINARY ENGINEER'S REPORT**

**CITY OF OAKLAND**



**OAKLAND WILDFIRE PREVENTION  
ASSESSMENT DISTRICT**

**Fiscal Year 2004-05 Levy**

*Prepared for:*  
**City of Oakland  
Alameda County, California**

*Prepared by:*  
**Francisco & Associates, Inc.**

**November 4, 2003**

**23**  
**ORA/COUNCIL**  
**NOV - 4 2003**

<b><u>Report</u></b>	<b><u>Page No.</u></b>
Mayor, City Council and Staff Members .....	i
Certificates .....	ii
Introduction.....	1
Section I – Description of Services to be Financed .....	2
Section II – Description of Assessment District Boundaries .....	3
Section III – Estimate of Annual Fire Prevention Costs.....	5
Section IV – Benefit Assessment Methodology .....	7
Section V – Balloting and Protest Hearing Procedures .....	14
Section VI – FY 2004-05 Assessment Roll .....	16

**APPENDIX**

Appendix A – Assessments Rates for Various Land Uses

Appendix B – FY 2004-05 Assessment Roll

**MAYOR**

Jerry Brown

**CITY COUNCIL MEMBERS**

Jane Brunner, District 1  
Council Member

Danny Wan, District 2  
Council Member

Nancy Nadel, District 3  
Council Member

Jean Quan, District 4  
Council Member

Ignacio De La Fuente, District 5  
President of the Council

Desley Brooks, District 6  
Council Member

Larry Reid, District 7  
Council Member

Henry Chang, At Large  
Council Member

**CITY STAFF MEMBERS**

Deborah Edgerly  
Interim City Manager

John Russo  
City Attorney

Ceda Floyd  
City Clerk

Gerald Simon  
Fire Chief/Director of Fire Services Agency

**ASSESSMENT ENGINEER**

Francisco & Associates, Inc.



**CERTIFICATES**

**FISCAL YEAR 2004-05**

The undersigned respectfully submits the enclosed Engineer's Report as directed by the City of Oakland pursuant to the provisions of Section 50078 of the Government Code of the State of California and per the Oakland Fire Suppression, Prevention, and Preparedness District Ordinance (2003).

Dated: \_\_\_\_\_

By \_\_\_\_\_  
JOSEPH A. FRANCISCO, P.E.  
RCE NO. 40688

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Ceda Floyd, City Clerk  
City of Oakland  
Alameda County, California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached was approved and confirmed by the City Council of the City of Oakland, Alameda County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Ceda Floyd, City Clerk  
City of Oakland  
Alameda County, California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and the Assessment Diagram thereto attached was filed with the County Auditor of the County of Alameda, on the \_\_\_\_\_ day of \_\_\_\_\_ 2004.

Joseph A. Francisco, P.E.  
Francisco & Associates, Inc.

By \_\_\_\_\_

**INTRODUCTION**

Pursuant to the provisions of the Government Code of the State of California, commencing with Section 50078, Article 3.6, Fire Suppression Assessments (the "Act") and per the Oakland Fire Suppression, Prevention, and Preparedness District Ordinance (2003) ., this Engineer's Report is submitted to the City Clerk of the City of Oakland in connection with the proceedings of the City Council to consider the establishment of the Oakland Wildfire Prevention Assessment District. I, Joseph A. Francisco, duly-authorized representative of Francisco and Associates, Inc., consultant to the City, submit this Engineer's Report consisting of the following parts and exhibits:

**SECTION I**

A listing of the fire prevention services that will be financed from the proceeds of the fire prevention assessment.

**SECTION II**

A description of the boundaries of the assessment district which includes properties that will benefit from the fire prevention services.

**SECTION III**

An estimate of the annual costs to provide the fire prevention services to be financed from the proceeds of the fire prevention assessment.

**SECTION IV**

A description of the methodology used to spread the costs of the fire prevention services to the benefiting properties within the boundaries of the assessment district and the duration of the assessment.

**SECTION V**

A description specifying the requirements for protest and hearing procedures for the proposed assessment.

**SECTION VI**

A description of each lot or parcel of property proposed to be subject to the fire prevention assessment, including the amount of the assessment on each lot or parcel for FY 2004-05 and the maximum amount of the assessment which may be levied on each lot or parcel during any fiscal year.

**SECTION I**

**DESCRIPTION OF SERVICES**

The Oakland Wildfire Prevention Assessment District will provide the following services described below:

**Goat Grazing**–Utilizes herds of goats to clear the excess brush that allows fires to spread rapidly. The goats remove vegetation from the large public open space areas within the assessment district boundaries.

**Vegetation Management** – Private contractors and city crews would provide the district's vegetation reduction and management programs where the goats are not able to graze. This includes open space and canyon hill parcels, firebreaks and roadside clearance along public streets and evacuation routes within the district. Additionally, fire companies and vegetation management inspectors annually inspect district properties to identify those that are in violation of the Oakland Fire Code. The inspectors will notify non-compliant property owners and after conducting re-inspections, non-compliant property owners will be charged the cost of having contractors bring the private property back into compliance.

**Yard Waste Disposal**– This program assists private property owners by providing a convenient way to dispose of tree branches, brush and other yard waste that can fuel fires. The district will provide crews to process private property owners' yard waste into wood chips or mulch for the owners' use, or provide other means of disposal.

**CORE Training and Fire Prevention Education** – Citizens of Oakland Respond to Emergencies (CORE) will provide special training to district neighborhoods and schools, to assist in preventing fires and planning safe evacuation routes in the event of a fire.

**Roving Fire Patrols**– This program will provide additional fire patrols to monitor properties within the boundaries of the assessment district during high fire hazard days to monitor, correct and report potential fire hazards to the Fire Department.

**SECTION II**

**DESCRIPTION OF ASSESSMENT DISTRICT BOUNDARIES**

The Oakland Wildfire Prevention Assessment District boundaries were developed with assistance from the City of Oakland Fire Department and the California Department of Forestry and Fire. Properties located within the proposed assessment district are generally within the Oakland Hills and the surrounding areas. These properties are unique because they are located within and among extreme dense vegetation which puts them at a high risk of loss or damage if a wildland fire were to start and spread.

For a more detailed description of the parcels, refer to the Assessment Diagram which is included on the following page of this report. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Alameda County Assessor's Office for the year when this Report was prepared.

# City of Oakland Wildfire Prevention Assessment District Diagram Fiscal Year 2004-05

Legend  
— = District Boundary



Not to Scale

**SECTION III**

**ESTIMATE OF ANNUAL COSTS**

The budget to provide the fire prevention programs for Fiscal Year 2004-05 is summarized below. These cost estimates were prepared by the City of Oakland Fire Department with input from the Wildfire Prevention District Steering Committee.

<b>Oakland Wildfire Prevention Assessment District FY 2004-05 Budget</b>	
<b>Revenues</b>	<b>Amount</b>
Carryover from FY 2003-04	\$0
FY 2004-05 Assessment Revenue	<u>\$1,800,000</u>
<b>Total</b>	<b>\$1,800,000</b>
<b>Expenditures</b>	
<b><u>Services</u></b>	
Goat Grazing Program	\$250,000
Yard Waste Disposal Program	\$225,000
Vegetation Management Program	\$900,000
CORE Training and Fire Prevention Education Program	\$150,000
Roving Fire Patrol Program	<u>\$100,000</u>
<b>Subtotal</b>	<b>\$1,625,000</b>
<b><u>District Administration</u></b>	
Annual Audit	\$10,000
City Staff/Commission Expenses	\$10,000
Public Opinion Survey (one time cost)	\$17,000
Mailing Cost for Balloting (one time cost)	\$43,000
Public Outreach (one time cost)	\$10,000
Assessment Engineering (\$20,000 +/- in subsequent years)	<u>\$51,000</u>
<b>Subtotal</b>	<b>\$141,000</b>
<b><u>County Administration</u></b>	
County Assessment Levy Charges	<u>\$30,000</u>
<b>Subtotal</b>	<b>\$30,000</b>
<b><u>Reserves</u></b>	
Operating Reserves	\$4,000
<b>Subtotal</b>	<b>\$4,000</b>
<b>Total Expenditures</b>	<b>\$1,800,000</b>

The Act requires that a special separate fund be established for the revenues and expenditures of the District. Any balance remaining on June 30 must be carried over to the next fiscal year unless the funds are being accumulated for future capital improvements (e.g. tiger mower or chipper) and operating reserves for this district. Assessment revenues can only be used for the fire prevention programs and services stated herein and cannot be diverted to other uses.

In future years City staff, with citizen input, will review the effectiveness of each fire prevention program to determine if there should be an increase or decrease in funding or whether the program should be eliminated. The proposed listing of fire prevention programs and their corresponding budgets will be presented to City Council for their review and approval annually.

Each fiscal year the City will have an independent audit conducted to ensure that assessment revenues were only expended on the authorized services and programs stated herein. The results of each independent audit will be available for public inspection.

## **SECTION IV**

### **DESCRIPTION OF THE BENEFIT SPREAD METHODOLOGY**

The following benefit spread methodology was developed to establish the basis for apportioning the cost of fire prevention programs to each lot or parcel within the assessment district, based upon the size and type of use of each property. The benefit spread methodology was developed by Francisco & Associates, Inc. based upon information provided by the City of Oakland, discussions with City staff, Fire District personnel; the requirements of Article 3.6, of the Government Code 50078.2 entitled, "Fire Suppression Assessments" and per the Oakland Fire Suppression, Prevention, and Preparedness District Ordinance (2003)."

Properties located within the Oakland Hills and surrounding areas are at a disproportionately high risk of damage resulting from the spread of wildfires. The proposed assessment district is made up of parcels which all share this greater than average vulnerability. In order to mitigate the wildfire threat to this area, the Oakland Wildfire Prevention Assessment District will generate funding to supply additional fire prevention programs to these high risk properties. The fire prevention services will focus on sharply reducing excess brush, grasses and other fuels that allows fires to start and spread rapidly, educating District property owners about fire prevention efforts and safe courses of action in the event of a fire, and providing roving fire patrols in the area on high fire hazard days.

Reducing wildfire fuel sources within the assessment district will create defensible spaces and firebreaks to impede a fire's ability to spread quickly. These defensible spaces and firebreaks will enable firefighters to surround and contain the fire more easily. Each parcel in the District will benefit from the fire prevention programs that will enhance the ability to confine a fire before it can extend its reach across multiple properties. Parcels located within these well-cleared areas will also have a reduced risk of damage or loss to their buildings and structures if a fire were to occur.

### **ASSESSABLE PARCELS**

The land use classifications which are included within the boundaries of the assessment district are defined as follows:

**Single-Family** – Single-family parcels are defined as parcels that have a land use classification as single-family residential with the Alameda County Assessor's office and are located within the boundaries of the assessment district.

**Condominium/Townhome** – Condominium and townhome parcels are defined as parcels that have a land use classification as condominium, townhome, attached planned unit development or co-op with the Alameda County Assessor's office and are located within the boundaries of the assessment district.



**Multi-Family** – Multi-family parcels are defined as parcels that have a land use classification as multifamily, which includes duplexes, triplexes, apartments, etc., with the Alameda County Assessor's office and are located within the boundaries of the assessment district.

**Mobile Home** – Mobile home parcels are defined as parcels that have a land use classification as mobile home with the Alameda County Assessor's office and are located within the boundaries of the assessment district.

**Commercial/Industrial** – Commercial and industrial parcels are defined as parcels that have a land use classification as commercial or industrial with the Alameda County Assessor's office and are located within the boundaries of the assessment district.

**Recreational/Institutional/Utility** – Recreational, institutional and utility parcels are defined as parcels that have a land use classification as recreational or institutional with the Alameda County Assessor's office and are located within the boundaries of the assessment district.

**Public Parcels** – Public parcels are defined as parcels that have a land use classification as public with the Alameda County Assessor's office and are located within the boundaries of the assessment district.

## **BENEFIT UNITS**

To establish the benefit assessment amount for each individual parcel a benefit unit system has been developed. Each parcel is assigned benefit units in proportion to the estimated benefit the parcel receives from the fire prevention programs. The benefit assessment amount for each parcel is then determined by multiplying the number of benefit units for each parcel by \$65.00. In order to calculate the benefit units for each parcel, two (2) components were considered. These components are the number of Equivalent Dwelling Units and the Benefit Factor as described below:

### **Equivalent Dwelling Units**

Since the properties within the assessment district vary in parcel size and in use of the property the benefit unit system must make sure that the parcels are assessed in proportion to the benefit they receive from the fire prevention programs. One common Assessment Engineering method used to equate this deviation in parcel size and use is the Equivalent Dwelling Unit. This process takes the typical single-family parcel and assigns it one (1.00) Equivalent Dwelling Unit (EDU). All other land uses are compared to the single-family parcel and assigned a proportionate number of EDUs. For example, a developed condominium parcel is typically smaller in parcel size and has less improved square footage compared to a developed single-family parcel. Therefore, in order to make sure the developed condominium parcel is assessed less than the developed single family parcel the condominium parcel is assigned fewer EDUs. The number of Equivalent Dwelling Units assigned to each land use class within the assessment district is summarized below:

**Single Family Parcels** – Since the single family parcel represents over 80 percent of the total parcels within the assessment district, it is used as the basic unit and is defined as one equivalent dwelling unit (**1.0 EDU**).

**Condominium/Townhome Parcels** – Condominium and townhome parcels are typically smaller in structure/building size relative to the typical single family residence. Therefore condominium and townhome parcels are defined as **0.75 EDUs**.

**Multi-family and Mobile Home Parcels** – Multi-family units and mobile home parcels are also typically smaller in structure/building size relative to the typical single family residence. Therefore multi-family units and mobile home parcels are defined as **0.50 EDUs**.

**Commercial, Industrial, Recreational, Institutional, Utility and Public Parcels** – Commercial, industrial, recreational, institutional, utility and public parcels are converted to EDUs based on the lot size of each parcel of land. Within the District boundaries the approximate density of single-family residential parcels per acre is 4.23 single-family parcels/acre. Therefore, Commercial, Industrial, Recreational, Institutional and Public Parcels are assessed 4.23 EDUs per acre, with a minimum of **1.0 EDU** per parcel.

### **Benefit Factor Allocation**

Since the properties within the assessment district vary in their development status (e.g., developed, improved and undeveloped), the Benefit Unit System must make sure that the parcels are assessed in proportion to the special benefit they receive from the fire prevention programs. Therefore all of the parcels within the boundaries of the assessment district have been assigned to one of the following development categories:

**Developed:** The parcel has a significant building or structure. For example, a single family home, apartment building, commercial or industrial building, library, etc.).

**Improved:** The parcel has does not have a building or structure but has minimal improvements such as landscaping and irrigation. This classification could apply to parks, golf courses, cemeteries, etc. If a large parcel such as a golf course parcel has a structure (i.e. clubhouse), then only that portion of the parcel that contains the structure will be classified as developed and the remaining portion will be classified as improved.

**Undeveloped:** The parcel does not have any improvements.

The method used to calculate this deviation in parcel development status is the Benefit Factor. Because the developed property would receive the greatest amount of special benefit from the fire prevention programs the developed category has been assigned a Benefit Factor of 1.00. All other development categories are compared to the developed category and assigned a Benefit Factor based upon the estimated special benefit they receive from the fire prevention programs relative to the developed category.

In order to determine the Benefit Factor that should be assigned to each development category we first determined the special benefits that developed parcels could receive from the fire prevention programs. These special benefits generally fall within the following categories:

- Protection of the house or building structure.
- Protection of minor structures such as garages, fences, decks, etc.
- Protection of the installed landscaping and irrigation.
- Protection of natural vegetation.
- Reduced risk of potential liability if a fire starts on a parcel.
- Protection against the risk of clean-up costs after a fire event (removal of destroyed structures, dead vegetation, etc.).

Each development category was compared to the developed category and then assigned a Benefit Factor in proportion to the estimated benefits the development category receives relative to the developed parcel. The tables shown below indicate which special benefits the developed, improved and undeveloped parcels receive from the proposed fire prevention programs.

**Developed Parcels (Public and Private) – Special Benefits**

Special Benefits Received	Benefit Received
Protection of the house or building structure	Yes
Protection of minor structures such as garages, decks, sheds, etc	Yes
Protection of installed landscaping and irrigation	Yes
Protection of natural vegetation	Yes
Reduced risk of potential liability if a fire starts on a parcel	Yes
Protection against the risk of clean-up costs after a fire event	Yes

**Improved Parcels (Public and Private) – Special Benefits**

Special Benefits Received	Benefit Received
Protection of the house or building structure	No
Protection of minor structures such as garages, decks, sheds, etc	No
Protection of installed landscaping and irrigation	Yes
Protection of natural vegetation	Yes
Reduced risk of potential liability if a fire starts on a parcel	Yes
Protection against the risk of clean-up costs after a fire event	Yes

**Undeveloped Private Parcels – Special Benefits Factor**

Special Benefits Received	Benefit Received
Protection of the house or building structure	No
Protection of minor structures such as garages, decks, sheds, etc	No
Protection of installed landscaping and irrigation	No
Protection of natural vegetation	Yes
Reduced risk of potential liability if a fire starts on a parcel	Yes
Protection against the risk of clean-up costs after a fire event	Yes

**Undeveloped Public Parcels – Special Benefits Factor**

Special Benefits Received	Benefit Received
Protection of the house or building structure	No
Protection of minor structures such as garages, decks, sheds, etc	No
Protection of installed landscaping and irrigation	No
Protection of natural vegetation	Yes
Reduced risk of potential liability if a fire starts on a parcel	No
Protection against the risk of clean-up costs after a fire event	Yes

Based upon discussions with City staff, the Fire Department and citizen input from the Wildfire Prevention District Steering Committee the following Benefit Factors have been assigned to each development category as shown below.

Development Status	Benefit Factor
Developed Private and Public Properties	1.0000
Improved Private and Public Parcels	0.3000
Undeveloped Private Parcels	0.2500
Undeveloped Public Parcels	0.1250

**Calculation of Benefit Units**

To calculate each parcel's number of Benefit Units, the Equivalent Dwelling Units (EDUs) assigned to each parcel are multiplied by the Benefit Factor assigned to each parcel as shown below.

$$\text{Benefit Units} = \text{Number of Equivalent Dwelling Units (EDUs)} \times \text{Benefit Factor (BF)}$$

The Benefit Units assigned to each parcel classification within the assessment district is shown on the following page:

<b>Oakland Wildfire Prevention Assessment District Benefit Unit Calculations</b>			
<b><u>Developed Land Use</u></b>	<b><u>Equivalent Dwelling Units (EDUs)</u></b>	<b><u>Benefit Factor (BF)</u></b>	<b><u>Benefit Units (BUs)</u></b>
Single Family Residential	1.000 per Parcel	1.000 per Parcel	1.000 per Parcel
Condominium/Townhouse	0.750 per Unit	1.000 per Unit	0.750 per Unit
Multi-Family (Apartments) and Mobile Home	0.500 per Unit	1.000 per Unit	0.500 per Unit
Commercial, Industrial, Public Institutional, Recreational, Utility	4.230 per Acre	1.000 per Acre	4.230 per Acre
<b><u>Improved Land Use</u></b>	<b><u>Equivalent Dwelling Units (EDUs)</u></b>	<b><u>Benefit Factor (BF)</u></b>	<b><u>Benefit Units (BUs)</u></b>
Commercial, Industrial, Public Institutional, Recreational, Utility	4.230 per Acre	0.300 per Acre	1.269 per Acre
<b><u>Undeveloped Land Use</u></b>	<b><u>Equivalent Dwelling Units (EDUs)</u></b>	<b><u>Benefit Factor (BF)</u></b>	<b><u>Benefit Units (BUs)</u></b>
Single Family Residential	1.000 per Parcel	0.250 per Parcel	0.250 per Parcel
Commercial, Industrial, Institutional, Recreational, Utility Condominium/Townhouse, Multifamily, Mobile Home	4.230 per Acre	0.250 per Acre	1.058 per Acre
Public	4.230 per Acre	0.125 per Acre	0.529 per Acre

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**FINAL ASSESSMENT RATES AND BUDGET (FY2004-05)**

The assessment rate has been set at \$65.00 per Benefit Unit. The total estimated number of Benefit Units within the proposed assessment district is 27,692.31 BUs. Therefore the total revenue expected to be generated each year is \$1,800,000 ( $\$65.00/\text{BU} \times 27,692.31 \text{ BUs}$ ).

**MAXIMUM ASSESSMENT**

The maximum assessment amount that can be levied in any given year is \$65.00 per Benefit Unit. The assessment amount may not be increased above these levels in the future unless either a parcel changes development status (e.g. goes from undeveloped to developed) or a new balloting procedure is held and the increased assessment is approved by a majority of the property owners voting, weighted by assessment amount. The City Council does have the authority to levy the annual assessment at a rate less than \$65.00 per Benefit Unit.

**DURATION OF ASSESSMENT**

The proposed assessment may be levied annually by the City Council, beginning July 1, 2004 for a period of ten (10) years.

**ACCURACY OF DATA**

The data utilized in developing the assessment rate calculations has been taken directly from the Alameda County Assessors Roll. Should a property owner find a discrepancy regarding his/her parcel, the property owner or designee should notify the City Clerk of the City of Oakland in writing at One Frank H. Ogawa Plaza, Oakland, CA. If warranted, the City will process a correction to the property owner's annual assessment.

**SECTION V**

**REQUIREMENTS FOR PROTEST AND HEARING PROCEDURES**

**(Section 53753 of the Government Code)**

The City of Oakland shall give notice by mail to the record owner of each identified parcel within the boundaries of the assessment district. Each notice shall include the total amount of the proposed assessment chargeable to the entire assessment district, the amount chargeable to the record owner's parcel, the duration of the assessment payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, and the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures for the completion, return, and tabulation of the assessment ballots, including a statement that the assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property. The notice should also include the name and telephone number of the person designated by the City to answer inquiries regarding the protest proceedings.

The City shall give notice by mail at least 45 days prior to the date of the public hearing upon the proposed assessment. Each notice shall contain an assessment ballot that includes the agency's address for receipt of the ballot and a place where the person returning the assessment ballot may indicate his or her name, a reasonable identification of the parcel, and his or her support or opposition to the proposed assessment. Each assessment ballot shall be in a form that conceals its contents once it is sealed by the person submitting the assessment ballot. Each assessment ballot shall be signed and either mailed or otherwise delivered to the address indicated on the assessment ballot. Regardless of the method of delivery, all assessment ballots shall be received at the address indicated, or the site of the public hearing, in order to be included in the tabulation of a majority protest.

Assessment ballots shall remain sealed until the tabulation of ballots which will be conducted after the public testimony portion of the public hearing has concluded. However, any assessment ballot may be changed, or withdrawn by the person who submitted the ballot prior to the conclusion of the public testimony on the proposed assessment at the hearing.

At the time, date, and place stated in the mailed notice, the City shall conduct a public hearing upon the proposed assessment. At the public hearing, the City Council shall consider all objections or protests, if any, to the proposed assessment. At the public hearing, any interested person shall be permitted to present written or oral testimony. The public hearing may be continued from time to time. At the conclusion of the public hearing, an impartial person designated by the City who does not have a vested interest in the outcome of the proposed assessment shall tabulate the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment. The impartial person may include, but is not limited to,

the City Clerk. The impartial person may use technological methods of tabulating the assessment ballots, including, but not limited to, punchcard or optically readable (bar-coded) assessment ballots. During and after the tabulation, the assessment ballots shall be treated as disclosable public records, and equally available for inspection by the proponents and the opponents of the proposed assessment. In the event that more than one of the record owners of an identified parcel submits an assessment ballot, the amount of the proposed assessment to be imposed upon the identified parcel shall be allocated to each ballot submitted in proportion to the respective record ownership interests or, if the ownership interests are not shown on the record, as established to the satisfaction of the City by documentation provided by those record owners.

A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. If there is a majority protest against the imposition of the new assessment the City shall not impose the assessment.



**SECTION VI**

**ASSESSMENT ROLL**

A list of names and addresses of the owners of all parcels, and the description of each lot or parcel within the Oakland Wildfire Prevention Assessment District is shown on the last equalized Property Tax Roll of the Alameda County Assessor, which by reference is hereby made a part of this report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments apportioned to each lot or parcel. The Assessment Roll is included in this report in Appendix "B".

**APPENDIX "A"**

**SAMPLE ASSESSMENTS FOR VARIOUS LAND USES**

<b>Oakland Wildfire Prevention Assessment District Assessments Rates</b>			
<b><u>Developed Land Use</u></b>	<b><u>Benefit Units (BUs)</u></b>	<b><u>Annual Assessment</u></b>	<b><u>Monthly Equivalent</u></b>
Single Family Residential	1.000 per Parcel	\$65.00 per Parcel	\$5.42 per Parcel
Condominium/Townhouse	0.750 per Unit	\$48.75 per Unit	\$4.06 per Unit
Multi-Family (Apartments) Mobile Home	0.500 per Unit	\$32.50 per Unit	\$2.71 per Unit
Commercial, Industrial, Public Institutional, Recreational, Utility	4.230 per Acre	\$274.95 per Acre	\$22.91 per Acre
<b><u>Improved Land Use</u></b>	<b><u>Benefit Units (BUs)</u></b>	<b><u>Annual Assessment</u></b>	<b><u>Monthly Equivalent</u></b>
Commercial, Industrial, Public Institutional, Recreational, Utility	1.269 per Acre	\$82.49 per Acre	\$6.87 per Acre
<b><u>Undeveloped Land Use</u></b>	<b><u>Benefit Units (BUs)</u></b>	<b><u>Annual Assessment</u></b>	<b><u>Monthly Equivalent</u></b>
Single Family Residential	0.250 per Parcel	\$16.25 per Parcel	\$1.35 per Parcel
Commercial, Industrial, Condominium/Townhouse, Institutional, Recreational, Utility Multifamily, Mobile Home	1.058 per Acre	\$68.74 per Acre	\$5.73 per Acre
Public	0.529 per Acre	\$34.37 per Acre	\$2.86 per Acre

**APPENDIX B**

**FY 2004-05 Assessment Roll**

**(On File with the City Clerk)**

**23**  
**ORA/COUNCIL**  
**NOV - 4 2003**



CITY OF OAKLAND



# Notice of Public Hearing January 6, 2004 Creation of the Oakland Wildfire Prevention Assessment District and Proposed Assessment

**Oakland  
City Council Public  
Hearing**

**Tuesday  
January 6, 2004  
at 7:00 p.m.**

**City Council  
Chambers,  
One Frank H. Ogawa  
Plaza, Oakland**

### Council Members

Jane Brunner, District 1  
Danny Wan, District 2  
Nancy Nadel, District 3  
Jean Quan, District 4  
Ignacio De La Fuente, Dist 5  
Desley Brooks, District 6  
Larry Reid, District 7  
Henry Chang, At Large

### City Officials

Jerry Brown, Mayor  
Deborah Edgerly, Interim  
City Manager  
Gerald Simon, Fire Chief

### The Oakland Hills have a history of wildfires

Dense brush and grasses, steep hillsides, and dry summers followed by autumn's Diablo winds create perfect conditions for wildfires in the Oakland hills. Since 1923, the area has experienced major fires every 15-20 years, most recently with the 1991 Firestorm that destroyed 3,000 homes and killed 25 people. Although we cannot do anything about the weather or the topography, we can control and manage the vegetation.

To make their homes and neighborhoods safer, in 1993 property owners and the City began an organized annual program of clearing weeds and cutting dense underbrush, using goats in open space, hand crews in canyons and on hillsides, and "tiger" mowers along roadsides. Since 1997, the programs have been funded by state grants and the City's capital and reserve funds. These grants and special funds are now depleted. No City monies are budgeted for vegetation management programs after the current fiscal year.

### Why form the Wildfire Prevention Assessment District?

Homeowners and other property owners in the high fire hazard and neighboring areas have the opportunity to save these wildfire prevention programs and guarantee their funding into the future. Through a Wildfire Prevention Assessment District, property owners would be assessed on an annual basis to continue these programs. The wildfire prevention programs sharply reduce the excess brush, grasses, and other fuels that allows fires to start and spread; provide extra fire patrols in the area on high fire hazard days; and educate District property owners about fire prevention and safe courses of action in the event of a fire.

Reducing wildfire fuel sources annually creates defensible spaces and fire-breaks that impede a fire's ability to spread quickly. Each property in the District will be safer if fires are stopped before they spread out of control. Properties in well-cleared areas also have a reduced chance of loss or damage to buildings and structures.

# Q & A

## What are the benefits of the District?

### Questions and Answers for Property Owners

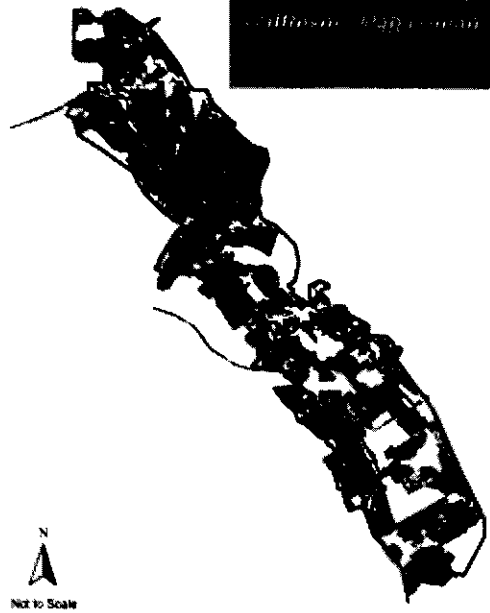
- Reduces the chance of major urban-wildland fires by removing over-grown brush and dry grasses every year from properties in the District.
- Improves safety by having more local firefighters patrolling during high fire hazard conditions to provide residents with a fast and aggressive response.
- Increases Fire Code compliance with annual inspections and enforcement of the code on private property.
- Gives private property owners new ways to dispose of unwanted brush and weeds to make their properties safer and bring them into compliance.
- Helps residents learn what to do to prevent wildfires, and what to do if one occurs near their neighborhood or school.
- Guarantees funding so that wildfire prevention programs will continue in the hills, and not be subject to future City budget cuts.
- Increases the amount of spending on controlling the threat of wildfires from the \$1.2 million previously spent (2003) to \$1.8 million annually.
- Keeps the City accountable by holding District monies in a separate account, having an annual independent audit, and having a citizens committee advise on District programs and budgets.

What type of services will the District provide? District services focus specifically on reducing the threat and limiting the spread of urban-wildland fires for properties located within the boundaries of the assessment district. These services are above and beyond the basic firefighting services the City provides to everyone. These services will be exclusively provided to the properties within the District, and will cease if the District is not formed.

- Goat grazing on public open space, including Joaquin Miller Park, Knowland Park, King Estates Park and Gateway Gardens. 350 acres of public open space are cleared annually.
- Reducing excess brush, grasses and other fuels in canyons, public pathways and firebreaks, roadsides, medians and hillside open space where goats are not able to graze. New District funds will add more areas to the 650 acres now cleared annually.
- Extra roving firefighter patrols on high fire hazard days, with new funding from the District.
- Fire code inspections and enforcement on approximately 25,000 public and private properties. Approximately 150-200 non-compliant private properties are cleared by the City annually, and the owners are billed for the costs.
- Removal of yard vegetation debris, a new program funded by the District, will help private property owners dispose of the excess brush and weeds they must clear each year.
- New specialized CORE training will prepare District neighborhoods and schools with wildfire evacuation route planning and public education on proper vegetation planting and management.



**Wildfire Prevention Assessment District Properties**  
 Boundary: Assessment District 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



N  
 Not to Scale

**How is the cost to each parcel owner determined?**  
 Every public and private property owner in the District will pay a fair share of the costs to control vegetation and prevent the spread of wildfires. The costs of the District's wildfire prevention services will be spread to each parcel based upon the degree of special benefit the parcel receives from the services. The special assessment calculation for each parcel is based upon:

- (1) the use of the parcel (e.g., single-family, condominium, apartment, commercial, industrial, public, etc.),
- (2) the size of the parcel, and
- (3) the development status of each parcel (e.g. developed, improved, undeveloped).

Development Status	Property Description	Examples
Developed	The parcel has a significant building or structure	Single family home, apartment building, grocery store, library, etc.
Improved	The parcel has minimal improvements such as landscaping and irrigation	Parks, Golf Course, Cemeteries
Undeveloped	The parcel does not have any improvements	Vacant lot, open space

**How much will my parcel be assessed?**

The assessment rate for your parcel is shown on the enclosed ballot. The assessment rate for each type of land use within the District is shown below. For a detailed description of how your assessment was calculated, refer to the Engineer's Report on file with the City Clerk, and posted online at: [www.oaklandwildfirepreventiondistrict.org](http://www.oaklandwildfirepreventiondistrict.org)

Land Use	Developed	Improved	Undeveloped
Single-Family	\$65.00/parcel	N/A	\$16.25/parcel
Condominium/Townhome	\$48.75/unit	N/A	\$68.74/acre
Multi-Family	\$32.50/unit	N/A	\$68.74/acre
Commercial/Industrial/ Institutional/Recreational	\$274.95/acre	\$82.49/acre	\$68.74/acre
Public	\$274.95/acre	\$82.49/acre	\$34.37/acre

Together, public and private property owners in the assessment district will contribute a total annual assessment of approximately \$1,800,000. The proposed assessment will be levied annually by the City Council, beginning July 1, 2004. If levied, the annual assessment will be collected for a period of ten (10) years.

\*See your enclosed ballot for your property's proposed annual assessment

# Q & A

## Questions and Answers for Property Owners

### Will the annual assessment increase?

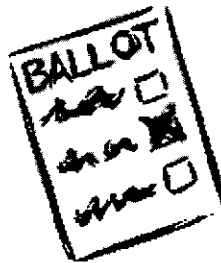
Your assessment amount may not be increased in the future unless either your property's development status changes (e.g. goes from undeveloped to developed); or a new balloting procedure is held and an increase in the assessment is approved by a majority of the property owners.

### How will the assessment revenue be tracked?

District monies will be held in a separate account. Each fiscal year the City will have an independent audit conducted to ensure that assessment revenues were only expended on the authorized services and programs.

### How do I vote?

Accompanying this notice is a ballot, along with a self-addressed, postage-paid return envelope. The ballot must be completed by the property owner(s), or an authorized representative, indicating the property owner's support for or opposition to the proposed assessment. For your ballot to be counted, you must clearly mark the appropriate box, sign the ballot, seal it in the enclosed envelope and return it to the City Clerk of the City of Oakland. Completed ballots must be received at the address shown on the enclosed return envelope by 5:00 p.m. on January 6, 2004, or hand delivered to the City Clerk before the end of the public input portion of the Public Hearing, which is scheduled to begin at 7:00 p.m. on January 6, 2004 at the City Council Chambers, One Frank H. Ogawa Plaza, Oakland, CA. If you return the ballot by mail, be sure to allow sufficient time for mail delivery.



### Public hearing and protest procedure:

At the January 6, 2004 Public Hearing the Oakland City Council will hear public testimony regarding the proposed assessment, and accept the ballots. Following the public testimony, the City Council will direct that the ballots be tallied to determine whether or not there is a majority protest against the proposed assessment.

### How are ballots tabulated?

A majority protest would exist if the number of returned ballots opposed to the assessment, weighted by assessment amount, were greater than the number of returned ballots supporting the proposed assessment weighted by assessment amount. If there is a majority protest, the assessment cannot be imposed and the proceedings must be abandoned.

### When will I know the results?

The results of the ballot tabulation will be reported to City Council on January 20, 2004 at which time the Council may or may not impose the assessment and levy assessments for Fiscal Year 2004-05.

### Who do I call with questions?



- For any questions about the assessments, voting procedures or process please call the Engineering Consultant, Joe Francisco at (510) 339-3092.
- For questions about fire prevention programs, please call the Oakland Fire Marshall (510) 238-4051.
- Answers to Frequently Asked Questions are posted at:  
[www.oaklandwildfirepreventiondistrict.org](http://www.oaklandwildfirepreventiondistrict.org)

**CITY OF OAKLAND  
AGENDA REPORT**

**TO:** Office of the City Manager  
**ATTN:** Deborah Edgerly  
**FROM:** Fire Department  
**DATE:** October 14, 2003

**RE: ORDINANCE ESTABLISHING PROCEDURES FOR THE CREATION OF SPECIAL ASSESSMENT DISTRICTS TO FUND SERVICES AND PROGRAMS FOR FIRE SUPPRESSION, PREVENTION AND PREPAREDNESS WITHIN DESIGNATED AREAS OF THE CITY OF OAKLAND AND RESOLUTION OF INTENTION TO FORM THE OAKLAND WILDFIRE PREVENTION ASSESSMENT DISTRICT; ACCEPTING AND GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT; DIRECTING FILING OF THE ENGINEER'S REPORT AND PROPOSED ASSESSMENT DISTRICT BOUNDARY MAP; SUBMITTING THE PROPOSED ASSESSMENT TO THE DISTRICT ASSESSEES FOR MAJORITY PROTEST PROCEDURE, AND SCHEDULING A PUBLIC HEARING FOR JANUARY 6, 2004**

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**SUMMARY**

An Ordinance and a Resolution have been prepared authorizing the City Manager to initiate the process of forming an assessment district in the Oakland Hills to pay for the reduction and management of vegetation in the High Fire Hazard Urban/Wildland interface. The Ordinance establishes the procedures for the creation of a special district to fund services and programs for fire suppression, prevention and preparedness within the city of Oakland. The Ordinance is based on the authority of the City of Oakland as a charter city. It establishes a process for the creation of such districts and the general limits on the kinds of programs and services that can be provided, as well as certain provisions for the operation of the district created under the Ordinance. It is a procedural ordinance. The Ordinance does not, in itself, create a district.

Each district created under the terms of the Ordinance would be created pursuant to the Ordinance by separate resolution of the City Council after a public hearing and majority protest procedure. The ordinance supplements state law regarding the creation of fire districts and expands on areas which the state law does not cover, such as the creation of an advisory committee to advise the City Council regarding the operation of the district.

The accompanying Resolution is the legislation which would begin the process of the creation of the specific Oakland Wildfire Prevention Assessment District in the Oakland Hills and the assessment for the District. Article XIII-D of the California Constitution requires specific steps be taken prior to forming special assessment districts. The Ordinance incorporates procedures for

**23**  
**ORA/COUNCIL**  
**NOV - 4 2003**

Item ~~XXXX~~  
Public Safety Committee  
October 14, 2003



approving the assessment in conformity with Article XIII-D and the Resolution begins the process of approval under the procedures and in conformity with these legal requirements. This process requires the creation of an Engineer's Report for the district. The required Engineering Consultant's report (Exhibit A of Resolution) has been prepared, recommending the programs to be funded, district boundaries, and the appropriate methodology and rate of assessment. This resolution accepts the Engineer's Report and directs the City Manager to proceed with the required mail in protest vote and to schedule a public hearing for January 6, 2004.

### **FISCAL IMPACTS**

The enactment of the Ordinance has no fiscal impact. It is merely an enabling ordinance which establishes a process for the creation of such fire districts. The resolution which would create the specific Oakland Wildfire Prevention Assessment District proposed to be created, if approved by the City Council after the majority protest procedure, would entail a fiscal impact for the assessment imposed for City owned property of approximately \$148,000 per year. The current resolution is a step in the process of creation of such a district.

The total funding needed for the process of creation of the Wildfire Prevention Assessment District is \$115,000. These costs include preparation of the Engineer's Report, mailing, balloting, and public outreach. All costs of forming the District will be reimbursed from assessment revenues if the District is approved.

### **BACKGROUND**

The City FY 2003-2005 Adopted Budget includes one-time funding for the Fire Department Vegetation Management Program for the first year (2003-2004). No Vegetation Management Program funding has been budgeted for 2004-2005. The City Council Offices, City Manager's Office and Fire Department have proposed the creation of an assessment district in the Oakland Hills to pay for a comprehensive vegetation management program in the High Fire Hazard Urban/Wildland interface.

On July 22, 2003, Council approved a resolution authorizing the City Manager to amend the contract with Francisco and Associates, Inc. for an amount not to exceed \$83,000 to perform engineering services for an increase in the sewer service charge, and to perform engineering services for the creation of the Wildfire Prevention Assessment District in the Oakland Hills. Francisco and Associates, Inc. has provided the City with a detailed schedule to complete the work; collected all available data needed, including the County Assessor's roll for all parcels within the proposed district; and has sub-consulted and completed the tasks associated with conducting a public opinion survey.

The proposed assessment is subject to a 45-day notice period; a mail-in protest vote; public hearing; approval by a 50% weighted majority of voting property owners; and confirmation by the City Council. Francisco and Associates, Inc. will also coordinate preparation and mailing of approximately 25,000 notices to all properties located within the identified Wildfire Prevention Assessment District boundary (see Exhibit B of Resolution). If adopted, the assessment will be forwarded to the County for the 2004 property tax roll.

Item 11  
Public Safety Committee  
October 14, 2003

## KEY ISSUES AND IMPACTS

The Oakland Hill area remains vulnerable to a major urban/wildland interface fire. There are extraordinary conditions existing in the city of Oakland unique to the Oakland Hills. The continuous fuel bed, steep canyons, and dry summers followed by high Diablo winds in the late summer and early fall make the Oakland Hills an environment at risk. An assessment district guarantees that funding on an annual basis will be available for special fire mitigation programs in the proposed Wildfire Prevention Assessment District (see description in Boundary - in Attachment 1).

The District would continue and/or expand Goat Grazing, Brush Removal, CORE Training and Fire Prevention Education, and Roving Fire Patrols services. These programs focus specifically on reducing the threat and spread of wildland fires to the parcels located within the boundaries of the assessment district. The below listed services are provided only to properties within the District:

Goat grazing on public open space, including Joaquin Miller Park, Knowland Park, King Estates Park and Gateway Gardens (350 acres of public open space are cleared annually).

Brush clearance in canyons, public pathways and fuels breaks, roadsides, medians and hillside open space where goats are not able to graze (650 acres are cleared annually).

Extra roving firefighter patrols on high fire hazard days.

Fire Code inspections and enforcement on approximately 25,000 public and private properties. Approximately 150-200 non-compliant private properties are cleared by the city annually, and the owners are billed for the costs.

Removal of yard vegetation debris will help private property owners dispose of the excess brush and weeds they must clear each year. The District proposes to add a program to assist private property owners in disposing of the excess brush and grasses that must be cleared from their properties annually.

Special CORE training to prepare district neighborhoods and schools with wildfire evacuation routes and public education on proper vegetation planting and management.

The City FY 2003-2005 Adopted Budget includes one-time funding for the Fire Department Vegetation Management Program for the first year (2003-2004). No Vegetation Management Program funding has been budgeted for 2004-2005.

The Assessment District will fund the entire cost of these programs. The total assessments by all public and private property owners will be approximately \$1.85 million. The District is to be authorized for ten years.

The assessment rate for each type of land use within the District is shown below.

Item \_\_\_\_\_  
Public Safety Committee  
October 14, 2003

Assessment Rates			
Land Use	Developed	Improved	Undeveloped
Single Family	\$65.00/parcel	N/A	\$16.25/parcel
Condominium/Townhome	\$48.75/unit	N/A	\$68.74/acre
Multi-Family	\$32.50/unit	N/A	\$68.74/acre
Commercial/Industrial/ Institutional/Recreational	\$274.95/acre	\$82.49/acre	\$68.74/acre
Public	\$274.95/acre	\$82.49/acre	\$34.37/acre

### Public Outreach

To inform the community, three (3) public meetings have been held with the Citizens Advisory Groups from the proposed assessment area. These meetings included representatives from all the affected homeowner associations, City Council members, consultants, and City staff. 30-50 members of the public attended each meeting.

To continue the public outreach efforts, the Engineer's Report and the notice of the public hearing will be posted at [www.oaklandwildfirepreventiondistrict.org](http://www.oaklandwildfirepreventiondistrict.org). A live Town Hall meeting will be held on KTOP on October 22, 2003, when city officials will respond to telephone callers.

### ENVIRONMENTAL OPPORTUNITIES

Activities under the Vegetation Management Program provide direct benefit through the reduction of the fuel load that can lead to catastrophic fires. A primary Fire Department objective continues to be reduction in fire behavior intensities and rates of spread that are controllable, and to avoid future losses of life and property.

### DISABILITY AND SENIOR CITIZEN ACCESS

There is no direct benefit to disabled and senior citizen access by this resolution. However, improving the fire safety in the hill area benefits all citizens including senior citizens and disabled.

### RECOMMENDATIONS

Staff recommends the adoption of the Ordinance and the Resolution of intent authorizing the City Manager to proceed with the process of creation of an assessment district in the Oakland Hills to pay for the reduction and management of vegetation which will provide a secure, stable source of funds for vegetation and wildfire prevention management.

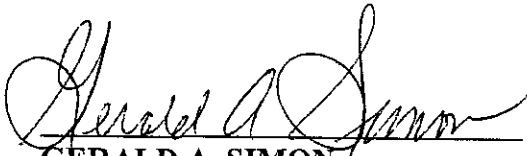
Item ~~11~~  
Public Safety Committee  
October 14, 2003

**ACTION REQUESTED OF THE CITY COUNCIL**

The actions requested of the City Council are as follows:

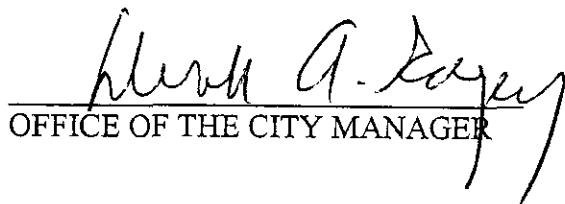
- Adopt the Ordinance creating the process for creation of special assessment districts;
- Adopt the resolution of intention to form the Oakland Wildfire Prevention Assessment District;
- Accept and grant preliminary approval of the Engineer's Report;
- Direct filing of the Engineer's Report and proposed assessment district boundary map;
- Submit the proposed assessment to the district assesses for majority protest procedure; and
- Schedule a public hearing for January 6, 2004.

Respectfully submitted,

  
GERALD A. SIMON  
Fire Chief

Prepared by:  
Ernest A. Robinson  
Deputy Chief/Fire Marshal

APPROVED AND FORWARDED TO THE  
PUBLIC SAFETY COMMITTEE

  
OFFICE OF THE CITY MANAGER

**23**  
ORA/COUNCIL  
NOV - 4 2003

Item ~~11~~  
Public Safety Committee  
October 14, 2003

**GENERAL DESCRIPTION:****Boundary of the Wildfire Prevention  
Benefit-Assessment District**

All that area within the City of Oakland generally to the north and east of the following boundaries: beginning at the intersection of the MacArthur Freeway and the common border with the City of San Leandro, northwest on MacArthur Boulevard to Foothill Boulevard; northwest on Foothill Boulevard to Stanley Avenue; northwest on Stanley Avenue to 98<sup>th</sup> Avenue; southwest on 98<sup>th</sup> Avenue to Lawlor Avenue; northwest on Lawlor Avenue to Burr Street; northwest on Burr Street to Thermal Street; northwest on Thermal Street to the junction with Seneca Street; southwest from the junction of Thermal and Seneca Streets to MacArthur Boulevard; northwest on MacArthur Boulevard to 82<sup>nd</sup> Avenue; northeast on 82<sup>nd</sup> Avenue to Utah Street; northwest on Utah Street to Partridge Avenue; southwest on Partridge Avenue to Hillmont Drive; northwest on Hillmont Drive to Tully Place; southwest on Tully Place to Outlook Avenue; northwest on Outlook Avenue to Parker Avenue; southwest on Parker Avenue to Outlook Avenue; northwest on Outlook Avenue to Seminary; northeast on Seminary Avenue to intersection of the MacArthur Freeway; northwest along the MacArthur Freeway to Buell Street; northeast on Buell Street to Tompkins Avenue; northwest on Tompkins Avenue to 250' northwest of Vale Avenue; continue north to 150' south of Gregory place; continue southwest to Victor Ave; continue south along Patterson Avenue to Wisconsin Street; northwest on Wisconsin Street to Carlsen Street; northwest on Carlsen Street to Maple Avenue; southwest on

Maple Avenue to Morgan Avenue; northwest on Morgan Avenue to Barner Avenue; southwest on Barner Avenue to Morgan Avenue; northwest on Morgan Avenue to Coolidge Avenue; northeast on Coolidge Avenue to Alida Street; northwest on Alida Street to Lincoln Avenue; southwest on Lincoln Avenue to Tiffin Road; southwest on Tiffin Road to Fruitvale Avenue and Diamond Park; southwest, northwest and northeast along boundary of Diamond Park to El Centro; northwest on El Centro to Dolores Avenue; northeast on Dolores Avenue to Park Boulevard; northeast on Park Boulevard to the common border with the City of Piedmont; northwest along the common border with the City of Piedmont to Mountain View Cemetery; northwest through the wooded areas of the cemetery and the Claremont Country Club to Broadway Terrace; southwest on Broadway Terrace to Margarido Drive; north on Margarido Drive to Lawton Avenue; northwest on Lawton Avenue to Broadway; northeast on Broadway to Keith Avenue; southwest on Keith Avenue to College Avenue; northwest on College Avenue to Claremont Avenue; northeast on Claremont Avenue continuing west along the common border with the City of Berkeley.

*Brenton Baker*  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

AN ORDINANCE ESTABLISHING PROCEDURES  
FOR THE CREATION OF SPECIAL  
ASSESSMENT DISTRICTS TO FUND SERVICES  
AND PROGRAMS FOR FIRE SUPPRESSION,  
PREVENTION AND PREPAREDNESS WITHIN  
DESIGNATED AREAS OF THE CITY OF OAKLAND

WHEREAS, the high fire risks inherent in the urban wildland interface areas of the City of Oakland pose a significant threat to lives and property throughout the urban wildland interface areas and adjacent neighborhoods; and

WHEREAS, the City of Oakland has suffered urban wildland interface fires such as the October 1991 firestorm in the Oakland Hills, and the City Council wishes to establish a dedicated source of funding to upgrade the level of vegetation management and fire suppression activities in the urban wildland interface areas and adjacent neighborhoods in an attempt to mitigate these identified risks on an on-going basis; and

WHEREAS, the City of Oakland is a municipal corporation and chartered city duly organized and existing pursuant to its charter (the "charter"), the Constitution and laws of the State of California; and

WHEREAS, the City Council, acting under and pursuant to the powers reserved to the City under the, Constitution of the State of California and Section 106 of the Charter wishes to adopt a procedure for the authorization and creation of special assessment districts to fund services and programs for fire suppression, prevention and preparedness within the areas of the City of Oakland at risk from such fires;

NOW, THEREFORE, the Council of the City of Oakland does ordain as follows:

Section 1. OAKLAND MUNICIPAL CODE

The text of this ordinance, starting with the following sections, shall be added to Chapter \_\_\_\_\_, Article \_\_\_\_\_ of the Oakland Municipal Code.

**23**  
ORA/COUNCIL  
NOV - 4 2003

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PUBLIC SAFETY CMTE.  
OCT 14 2003

This ordinance may be referenced as the "Oakland Fire Suppression, Prevention, and Preparedness District Ordinance."

**Section 2. FINDING AND PURPOSE**

The Council finds as follows:

A. The Oakland Hills Fire of October 1991 brought into stark focus the need to take preventative steps both to reduce the likelihood of another such conflagration, and to reduce the severity of its consequences in the event that, despite increased efforts, another large fire should occur.

B. Although a disaster such as the October 1991 Fire has far-reaching consequences, the damage to the lives and property of the residents and property owners of such fire risk areas is of an altogether different order of magnitude than that suffered by the City-at-large. Therefore, it is the residents of the urban wildland interface areas and adjacent neighborhoods of the City (or other areas of the City with a cognizable, special fire danger) that will specially benefit from the suppression, preventative and preparedness procedures of a special benefit fire suppression, prevention and preparedness district; and it is those areas that should properly and equitably bear the costs of the extra services involved.

C. The implementation of a locally-funded mechanism to implement a program of fire suppression, prevention and preparedness in areas of the City specially in need of such services to supplement and augment the provisions of state law is a matter of special local interest and concern and is a proper subject for an ordinance adopted under the City's Charter powers.

**Section 3. RESOLUTION; DETERMINATION AND LEVY OF ASSESSMENT**

The City Council may, by resolution, adopted after notice and public hearing, create a special benefit fire suppression, prevention and preparedness district for designated areas of the City of Oakland, and may determine and levy an annual assessment for the district so established for fire suppression, prevention and preparedness services pursuant to this chapter. The duration of the existence of this assessment district may be specified by the City Council in the resolution creating the district, and, if not specified, shall continue in



existence until terminated by City Council action in a resolution dissolving the district.

The assessment may be made for the purpose of providing fire suppression, prevention and preparedness services and programs including, but not limited to: inspection services to monitor and identify hazardous conditions; inspection services to identify Fire Code violations in order to provide notice of violations, abatement proceedings, imposition of fines and institution of formal legal enforcement measures; mitigation services to reduce and eliminate fire hazardous condition's; fire suppression and prevention education services and programs for area schools, churches and neighborhood homeowner associations; planning, personnel and material assistance to the Citizens of Oakland Respond to Emergencies (CORE) Program; neighborhood access and evacuation training programs; signage, tow-away zones, and other services and facilities to reduce evacuation "bottlenecks"; parking programs to improve access for emergency vehicles; services and equipment for mechanical chipping of landscaping debris; debris removal or recycling; reduction of heavy fuel loads on open spaces; clearing of the rights-of-way of public paths (including stairs) and trails, improving and extending such paths in critical fire areas, and providing adequate signage; building and maintaining fire breaks; obtaining, furnishing, operating and maintaining fire suppression equipment or apparatus that is devoted to district operations; deployment of additional firefighting personnel in periods of increased fire-hazard weather conditions; paying the salaries and benefits of firefighting or civilian personnel, or both, involved in providing these services, whether or not fire suppression or inspection services are actually used by or upon a parcel, improvement, or property. Funds from any district revenues shall be used solely for the purpose of enhancing fire suppression, prevention and preparedness services within the district.

#### Section 4. UNIFORM SCHEDULES AND RATES; RISK CLASSIFICATION

(a) The resolution, by means of the adoption of a Final Report (as defined in Section 13), shall establish uniform schedules and rates based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The risk classification may include, but need not be limited to, the amount of water required for fire suppression on that property, the structure size, type of construction, structure use, and other factors relating to potential fire and panic hazards and liabilities, the costs of providing the fire suppression by the City to that property, and any other factors which reflect the benefit to the land

resulting from the fire suppression, prevention and preparedness services. The assessment shall be related to the benefits to the property assessed.

(b) The benefit assessment levies on land devoted primarily to agricultural, timber, or livestock uses, and being used for the commercial production of agricultural, timber, or livestock products, shall be related to the relative risk to the land and its products. The amount of the assessment shall recognize normal husbandry practices that serve to mitigate risk, onsite or proximate water availability, response time, capability of the fire suppression service, and any other factors which reflect the benefit to the land resulting from the fire suppression, prevention, and preparedness services provided. A benefit assessment shall not be levied for wildland or watershed fire suppression on land located in a state responsibility area as defined in Section 4102 of the Public Resources Code.

(c) The use, risk and benefit calculations and classifications may take into account the character of each large parcel with regard to its proportion of development, partial development, limited kind of development, and partially undeveloped character. For the purposes of assessment of benefit, each such large parcel may be considered as being several parcels of differing character, and be assessed as such on a proportionate or separate category basis reflecting such mixed use when there is a substantially large percentage of partial development, limited kind of development and/or undeveloped land in proportion to the developed portion of the land.

**Section 5. RESOLUTION; PRESUMPTION OF COMPLIANCE WITH REQUIREMENTS**

Any resolution adopted by the City Council pursuant to this article establishing uniform schedules and rates for assessment for fire suppression, prevention, and preparedness services, which substantially conforms with the model ordinance that the State Fire Marshal is authorized to adopt pursuant to Section 13111 of the California Health and Safety Code, shall be presumed to be in compliance with the requirements of Section 4.

**Section 6. WRITTEN REPORT; FILING; CONTENTS**

The City Council shall cause to be prepared and filed with the City Clerk a written report (the "Benefit Assessment Report") which shall contain all of the following:

(a) a general description of the nature and objective of the programs or services to be funded;

(b) A description of each lot or parcel of property proposed to be subject to the assessment which may be accomplished by means of a map together with the Assessor's Parcel Number of each lot or parcel.

(c) The amount of the assessment for each lot or parcel for the initial fiscal year in which it is proposed to levy an assessment, and, when applicable, the maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year.

(d) The basis and duration of the assessment.

(e) The schedule of the assessment.

(f) A statement as to the maximum amount by which the assessment may increase for the duration of the assessment period, if any.

(g) A description specifying the requirements for protest and hearing procedures for the proposed assessment.

**Section 7. ZONES OR AREAS OF BENEFIT; ESTABLISHMENT; LEVY OF ASSESSMENT**

(a) The City Council may establish zones or areas of benefit within the district and may restrict the imposition of assessment to areas lying within one or more of the zones or areas of benefit so established.

(b) The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the zone, or area of benefit.

(c) The assessment may be levied against any parcel, improvement, or use of property to which such services may be available whether or not the service is actually used.

**SECTION 8. NOTICE OF FILING OF REPORT AND HEARING; PUBLICATION, POSTING AND MAILING**

The City Clerk shall cause notice, protest, and hearing procedures to comply with California Government Code Section 53753. The mailed notice shall also contain the name and telephone number of the person designated by the City Council to answer inquiries regarding the protest proceedings.

**Section 9. WRITTEN PROTEST PRIOR TO HEARING**  
**CONTENTS; DELIVERY**

At any time not later than the close of the public hearing, any proposed assessee, whether a fee owner, lessee, or otherwise of the interest in the property which is proposed to be assessed and who will be directly obligated to pay any proposed assessment by the terms of the assessment, may make written protest against the proposed assessment. The protest shall be in writing, shall contain a description of the property and the interest in the property which each signer of the protest represents, sufficient to identify the property, and, if the signers are not shown on the last equalized assessment roll as the owners of that property, shall contain or be accompanied by written evidence that the signers are the holders of the property interest proposed to be charged and who will be obligated to pay the proposed charge. All protests shall be delivered to the City Clerk as provided for in the notice and, for the purposes of Section 10, no other protests or objections shall be considered.

**Section 10. HEARING; WITHDRAWAL OF PROTEST**

(a) At the time, date, and place stated in the notice, the City Council shall conduct a public hearing upon the proposed assessment and hear and consider all objections or protests, if any, to the proposed assessment and the report referred to in the notice and shall also hear and determine all protests. At the public hearing any interested person shall be permitted to present written and oral testimony. The City Council may continue the hearing from time to time.

(b) Any written protest may be withdrawn, in writing, by the person who made the protest at any time prior to the conclusion of the protest hearing or any adjournment of the hearing.

(c) At the conclusion of the public hearing the City Clerk shall direct the tabulation of the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment.

**Section 11. MAJORITY PROTEST; EFFECT**

A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighing those assessment ballots by the amount of the proposed assessment

to be imposed upon the identified parcel for which each assessment ballot was submitted. If the City Council finds that a majority protest exists, the City Council shall not impose, extend, or increase the assessment to which there was a majority protest.

**Section 12. DETERMINATION OF EXISTENCE OF A MAJORITY PROTEST**

If it shall be necessary, in order to find whether a majority protest exists, to determine whether any or all of the signers of written protests are the holders of property interests proposed to be assessed and who will be obligated to pay the proposed assessment, the City Council shall make the determination from the latest equalized assessment roll, any written evidence submitted with a written protest, and any other evidence received at the hearing. The City Council shall be under no duty to obtain or consider any other evidence as to the holding of property interests, and its determination of valid protests shall be final and conclusive.

**Section 13. ASSESSMENT; DETERMINATION BY CITY COUNCIL IN ACCORDANCE WITH REPORT OR HEARING; ORDINANCE OR RESOLUTION; LEVY**

If no protests or objections in writing have been delivered to the City Clerk within the time permitted, or if valid protests have been found by the City Council to represent less than the amount required to constitute a majority protest, the City Council may, thereafter, proceed to form the district and adopt, revise, change, reduce (but may not increase), or modify any aspect of the Benefit Assessment Report including the proposed assessment, determine the final contents of such written report and levy the first year assessment in accordance therewith. The report as finally adopted shall be called the "Final Report."

**Section 14. LEVY OF ANNUAL ASSESSMENTS AFTER THE FIRST YEAR**

Each year, prior to levying the annual assessment authorized under this chapter pursuant to the Final Report, the City Council shall cause to be prepared and filed with the City Clerk an annual written statement ("Annual Report") setting forth as nearly as possible the use to which the funds, resulting from the assessment levied the previous year, have been and are being put. The Annual Report shall set forth the expected uses of the assessment proposed to be levied for the next fiscal year and shall set forth the proposed amount of the assessment on each parcel subject to the method of assessment and limitation on assessment of the Final Report. The City Council may

preliminarily accept the Annual Report and set a public hearing thereon. The City Clerk shall cause notice of the filing of the Annual Report and of the time, date, and place of the public hearing thereon to be published pursuant to Section 6066 of the California Government Code and to be posted in at least three public places within the City. Following the public hearing, the City Council may confirm or reduce (but may not increase) the assessment proposed in the annual written statement and may levy the assessment by resolution. Any reduction shall be subject to the method of assessment in the Final Report.

**Section 15. COLLECTION; COSTS; DEDUCTION BY COUNTY**

The City Council may provide for the collection of the assessment in the same manner and at the same time and in the same installments as the general taxes of the City on real property are payable and are subject to the same penalties as, other fees, charges, and taxes fixed and collected by or on behalf of the City. If the assessment is collected by the County, the County may deduct its reasonable costs incurred for that service before remittal of the balance to the City. In the event the City Council does provide for collection of the assessment by the County hereunder, the City Clerk shall annually, following the levy of the assessment by the City Council, and on a timely basis to permit its inclusion on the County tax roll, convey to the County Auditor an auditor's record showing, for each parcel subject to assessment, the amount of the assessment for the current fiscal year. The City Clerk shall take whatever steps are reasonably necessary to enable the County Auditor to accurately place the annual assessments on the tax rolls each year. The Clerk's costs in doing so may be paid out of the proceeds of the assessment. Additionally, the City may recover from the proceeds of the assessment any other costs it incurs with regard to the formation or the continuing operation of the district, including but not limited to the costs of the engineer's report, the noticing and conducting of the public hearing and majority protest procedure, annual report, survey, public outreach, and the costs of preparing and levying the assessment. All proceeds of the assessment are, at all times, to be maintained separately, and segregated from, the General Fund.

**Section 16. PROCEEDINGS TO CHANGE OR AMEND THE FINAL REPORT AFTER ADOPTION**

The City Council may conduct proceedings to change or amend the Final Report. Such proceedings may alter the method and amount of the assessment, may increase or decrease the authorized services, and may change the boundary of a zone or area of benefit, or may add or

subtract zones or areas of benefit. The procedure to be used in conducting change proceedings is the same as that required for the initial authorization of the assessment as set forth in this chapter. Proceedings to add or annex territory to that already subject to assessment shall be conducted only with respect to the area to be added or annexed. Proceedings to increase the assessment (in fact or merely in relation to other areas subject to assessment) on a portion of the area subject to assessment shall be conducted only in the area subject to the proposed increase.

**Section 17. ACTIONS OR PROCEEDINGS TO CHALLENGE  
RESOLUTIONS LEVYING ASSESSMENT; LIMITATIONS**

Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure applies to any judicial action or proceedings to validate, attack, review, set aside, void or annul a resolution adopting a Final Report and levying an initial assessment or modifying or amending a Final or Annual Report and levying an assessment. Annual assessments, after the first year and in conformity with an adopted Final or Annual Report providing for a continuation of the fee or assessment at the same or a lower rate or in accordance with an automatic adjustment provision for an assessment, are not subject to any additional legal challenge at the time of the renewal of the assessment in accordance with such continuation of or automatic adjustment of the assessment. Any ground of challenge not raised by a complainant in a written or oral protest submitted with respect to a public hearing held in connection with the adoption or modification of such Final or Annual Report, is considered to have been waived by that complainant, and may not be raised by that complainant in any legal challenge to assessments levied in conformity with an approved Final or Annual Report.

**Section 18. OTHER FEES, CHARGES ASSESSMENT AND TAXES**

This chapter does not limit or prohibit the levy or collection of any other fee, charge, assessment, or tax for fire suppression services authorized by any other provisions of law.

**Section 19. LIBERAL CONSTRUCTION; VALIDITY OF  
PROCEEDINGS; EXCLUSIVE REMEDY**

This chapter shall be liberally construed in order to effectuate its purposes. No error, irregularity, informality, and no neglect or omission of any officer, in any procedure taken under this division, shall avoid or invalidate such proceeding or any assessment. The exclusive

remedy of any person affected or aggrieved thereby shall be by appeal to the City Council.

**Section 20. PROVISIONS REGARDING NOTICE**

No step in any proceeding shall be invalidated or affected by any error or mistake or departure from the provisions governing the giving of notice under this chapter. The failure of the City Clerk to mail any notice or the failure of any person to receive the notice shall not affect in any way whatsoever the validity of any proceedings taken under this division, nor prevent the City Council from proceeding with any hearing so noticed. No notice, nor any publication of any notice, order, resolution, or other matter, other than as expressly provided in this chapter, shall be necessary to give validity to any of the proceedings provided in this chapter.

**Section 21. ESTABLISHMENT OF ADVISORY COMMITTEE**

**APPOINTMENT.** The City Council in its discretion may appoint an advisory committee for the district to advise and/or make recommendations to the City Council on the operation of the district. Such appointment may take place in the resolution creating the district or in a subsequent resolution of the City Council.

**TERMS OF APPOINTMENT.** The terms of appointment shall be as specified in the resolution establishing the advisory committee. The members of the advisory committee shall serve without salary or compensation.

**POWERS AND DUTIES OF THE ADVISORY COMMITTEE.** The advisory committee shall have such powers and duties as are determined by the City Council in its resolution creating the advisory committee.

**Section 22. ANNUAL BUDGET.** The City Manager shall prepare an annual budget which includes the assessment rate for the next fiscal year as well as the programs to be funded by the assessment district revenue, including revenue from fines and code enforcement activities. The budget may include accounts which may be used to fund contract services to meet District objectives. The City Council will retain final approval of all contracts.





*Boyd*

## NOTICE AND DIGEST

### AN ORDINANCE ESTABLISHING PROCEDURES FOR THE CREATION OF SPECIAL ASSESSMENT DISTRICTS TO FUND SERVICES AND PROGRAMS FOR FIRE SUPPRESSION, PREVENTION AND PREPAREDNESS WITHIN DESIGNATED AREAS OF THE CITY OF OAKLAND

This Ordinance establishes procedures for the creation of special assessment districts to fund services and programs for fire suppression, prevention and preparedness within the City of Oakland. The Ordinance is based on the authority of the City of Oakland as a charter city. It establishes a process for the creation of such districts and the general limits on the kinds of programs and services that can be provided, as well as certain provisions for the operation of the districts. The Ordinance does not, in itself, create a district. Each district created under the terms of the Ordinance would be created pursuant to the Ordinance by separate Resolution of the City Council after a public hearing and majority protest procedure. The Ordinance supplements state law regarding the creation of fire districts.

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OAKLAND CITY COUNCIL

*B. Plebani*

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION OF INTENTION TO FORM THE OAKLAND WILDFIRE PREVENTION ASSESSMENT DISTRICT, ACCEPTING AND GRANTING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT, DIRECTING FILING OF THE ENGINEER'S REPORT AND PROPOSED ASSESSMENT DISTRICT BOUNDARY MAP, SUBMITTING THE PROPOSED ASSESSMENT TO THE DISTRICT ASSESSEES FOR MAJORITY PROTEST PROCEDURE, AND SCHEDULING A PUBLIC HEARING FOR JANUARY 6, 2004.**

WHEREAS, the City Council of the City of Oakland is in the process of enacting the Oakland Fire Suppression, Prevention, and Preparedness District Ordinance (the "Ordinance") establishing the procedures for the formation of fire suppression, prevention, and preparedness districts; and

WHEREAS, the laws of the State of California in Government Code Section 50078, et seq. ("state law") provide 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") pursuant to the state law and the Ordinance and have 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 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 services 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;

NOW, THEREFORE, the City Council of the City of Oakland finds that the Engineer's Report for the District satisfies all

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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 resolve as follows:

1. A fire suppression, prevention and preparedness district is proposed to be established pursuant to the Ordinance and state law with the boundaries as specified in the Engineer's Report and map, a copy of which is attached hereto as **Exhibit A**.
2. The Engineer's Report and the proposed assessment district boundary map for the District prepared by the engineer shall be placed on file in the office of the City Clerk,
3. The Engineer's Report for the District and the proposed assessment district boundary map is accepted and preliminarily approved and the assessments for the first year shall be as provided for in the Engineer's Report if the district is established unless modified as provided for in the Ordinance and state law by Council after the public hearing and tabulation of ballots. However, no such modification shall increase the amount of the assessment.
4. The name of the District shall be the Oakland Wildfire Prevention Assessment District ("District").
5. The reasons for the assessments and the types of the improvements, activities and services proposed to be funded and provided 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.
6. An assessment will be levied annually to pay for all improvements, activities, and services provided for in the Engineer's Report for the District.
7. 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.
8. 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.
9. 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.
10. 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.

11. 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.
12. The Council intends to create an Advisory Committee for the District as provided for in the Ordinance and to require an annual independent audit of the District.
13. The City Clerk is directed to give 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 give all other notices and take all other actions required by law with regard thereto.
14. A Public Hearing is set for 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.
15. At the hearing the testimony of all interested persons for or against the establishment of the District, and the proposed assessment will be heard.
16. A protest may be made in writing by any interested person through the ballot procedure. The procedures applicable to the completion and return of the ballots are as specified in notice and the ballot, a copy of which is attached hereto and incorporated herein by this reference (**Exhibit B**). Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.
17. Every written protest shall be filed with the City Clerk at or before the close of the public hearing as provided for in the notice. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.
18. Each written protest shall contain a description of the property in which the person subscribing the protest is interested sufficient to identify the property and, if a person subscribing is not shown on the official records of the City as the owner of the property, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the property.
19. A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.

20. After the close of the Public Hearing, the ballots will be tabulated under the direction of the City Clerk and the results of the tabulation will be reported to the City Council. A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighing those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. If the City Council finds that a majority protest exists, the City Council shall not impose the assessment to which there was a majority protest. If a majority protest is found not to exist then the City Council may proceed to form the district, give final approval to the Engineer's Report, and impose the assessment for the District.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, \_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

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

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