



OAKLAND CITY COUNCIL

RESOLUTION NO. 88414 C.M.S.

RESOLUTION: 1) CONFIRMING THE ANNUAL REPORT OF THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD; AND 2) LEVYING THE ANNUAL ASSESSMENT FOR THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2021-2022

WHEREAS, the State of California allows for the formation of business assessment districts under Street and Highways Code Section 36500 *et seq.*; and

WHEREAS, the business license holders in the Rockridge business district petitioned to form the Rockridge Business Improvement District ("District") under said legislation to undertake the Management Plan for the District ("Plan") which is on file with the City Clerk; and

WHEREAS, the Plan provides for special benefit services such as enhanced security, beautification, sidewalk sweeping, and economic development and marketing activities with the intent of creating a positive atmosphere in the District area (as more specifically identified in the Plan); and

WHEREAS, on November 28, 2000 the City Council adopted Ordinance No. 12301 C.M.S., as amended, which established the Rockridge Business Improvement District and approved the District Plan; and

WHEREAS, pursuant to Streets and Highways Code Section 36533, the Rockridge Business Improvement District Advisory Board has prepared and filed with the City Clerk, the Annual Assessment Report (attached hereto as **Exhibit A**) ("Report"), which contains the required particulars including a detailed description of the improvements and activities to be provided for the 2021-2022 fiscal year, the boundaries of the area and any benefit zones within the area, and the proposed assessments to be levied upon the businesses within the area for the 2021-2022 fiscal year; and

WHEREAS, on November 10, 2020, the City Council Adopted a Resolution of Intention to levy the fiscal year 2021-2022 assessment, approve the district's annual report, and schedule a related public hearing for December 1, 2020, pursuant to Streets and Highways Code section 36534; and

WHEREAS, written notice of the December 1, 2020 public hearing was published in the newspaper in compliance with Streets and Highways Code section 36534(b); and

WHEREAS, if the District's proposed assessments for FY 2021-2022 are approved and levied, they will be held (until disbursed) in a special trust fund established by the Finance Management Bureau on behalf of the District in Miscellaneous Trusts Fund (7999)/Economic Development Organization (85411)/Pass Through Assessments Account (24224)/ Administrative Project (1000019)/Rockridge BID Program (RBID); and

WHEREAS, the Rockridge District Association of Oakland is the nonprofit corporation that administers the Rockridge Business Improvement District and oversees the disbursement of funds, pursuant to the Plan and the Disbursement Agreement between the City and Rockridge District Association of Oakland ("Disbursement Agreement"); and

WHEREAS, the funds that are levied and held by the City will be disbursed to the Rockridge District Association of Oakland pursuant to the Disbursement Agreement, which remains in effect contingent upon the annual review and approval of the District's Annual Report and the levy of the annual assessments; now therefore be it

RESOLVED: that the Council of the City of Oakland does hereby find and determine as follows:

1. The Rockridge Business Improvement District was established in the Rockridge area of the City of Oakland, California as a parking and business improvement area pursuant to Street and Highways Code section 36500 *et seq.* with the boundaries as specified in the Plan on file with the City Clerk.
2. Pursuant to Streets and Highways Code Section 36535, a Public Hearing was held on December 1, 2020, to hear all public comments, protests, and take final action as to the levying of the proposed assessments for the District for the fiscal year 2021-2022. The City Council finds that there was no majority protest as defined in the Street and Highways Code Section 36500 *et seq.*
3. The Annual Assessment Report for the District is approved and confirmed.

4. The City Council approves and adopts the assessments as provided for in the Plan and the Annual Report of the Advisory Board and does hereby levy and direct the collection of the assessments for the 2021-2022 fiscal year as provided for in the Annual Assessment Report in accordance with the assessment formula as provided for in the Plan and Annual Assessment Report.
5. The proposed method and basis of calculating the assessments to be levied against each business in the District are those specified in the Plan and Annual Assessment Report on file with the City Clerk. For the fiscal year 2021-2022 assessment a temporary sub-classification of businesses that earn annual gross receipts of \$25,000 or less is hereby created with a reduced fee of \$60 (instead of the \$120 fee). This temporary sub-classification and reduced fee applies to fiscal year 2021-2022 only and will not apply to future assessment years unless renewed in the annual assessment resolution for such future years.
6. The time and manner of collecting assessments shall be at the same time and in the same manner as for the annual business tax billings. The City may, but is not obligated to, use the same process and procedures for the collection of delinquent assessments as it uses to collect delinquent business tax billings or such other processes and procedures as are convenient to complete such collection and may reimburse itself out of the proceeds collected for the costs of such collection. The assessments shall be coordinated with the City of Oakland's annual business tax billing cycle, and shall be included along with the annual business tax notifications, or in a supplemental notice following thereafter if, for any reason, they are not ready or cannot be included along with the business tax notices. Supplemental notices shall be permissible for new businesses or for correction or supplementation of prior notices.
7. The boundaries of the District shall remain the same as specified in the Plan on file with the City Clerk and there are no changes to the boundaries or benefit zones.
8. The types of the improvements and activities proposed to be funded by the levy of assessments on businesses in the area are those described in the Plan and the Annual Assessment Report on file with the City Clerk. There are no substantial changes in the improvements or activities for the District.
9. Until disbursed, BID assessments will be held in a special trust fund established by the City on behalf of the Rockridge Business Improvement District in: Miscellaneous Trusts Fund (7999), Economic Development Organization (85411), Pass Through Assessments Account (24224), Administrative Project (1000019), Rockridge Business Improvement District Program (RBID).

; and be it

FURTHER RESOLVED: That the Disbursement Agreement is hereby renewed and the City Administrator is hereby authorized to make amendments if necessary pursuant to State of California Streets and Highways Code Section 36500 *et seq.*

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 01, 2020

PASSED BY THE FOLLOWING VOTE:

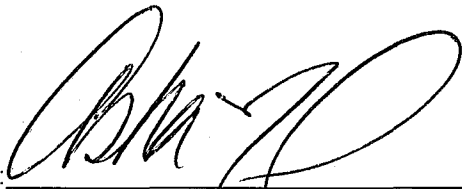
AYES- FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB., REID, TAYLOR, THAO AND PRESIDENT KAPLAN — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



ASHA REED
Acting City Clerk and Clerk of the Council
of the City of Oakland, California

Exhibit A

(To the Resolution Levying the FY 2021-2022 Rockridge BID Assessment)

Rockridge Business Improvement District
FY 2020-2021 Annual Report To The City of Oakland
Relating to Improvements and Activities Planned For Fiscal Year 2021-2022

Pursuant to California Streets and Highways Code Part 6
Parking and Business Improvement Area Law of 1989
Chapter 3, Section 36533

1. Proposed changes in the boundaries of the parking and business improvement area or in any benefit zone within the area: There are no proposed changes to the boundaries of the Rockridge Business Improvement District.
2. Improvements and activities to be provided in fiscal year 2021-2022:
Please see attached Accomplishments for this year to date and attached 2021-2022 proposed budget. We plan to continue on the same course.
3. Estimate of the cost of providing the improvements and activities for fiscal year 2021-2022: See attached budget. Should the current COVID 19 pandemic significantly affect the amount of BID revenues received from the City in 2021, appropriate adjustments will be proportionally made to spending categories outlined in the attached budget.
4. Method and basis of levying the assessment: The fee structure for assessments will remain as previously approved, including the change in classifications of businesses by temporarily creating a sub-classification for businesses that earn annual gross receipts of \$25,000 or less. Businesses which fall into this sub-classification would pay an annual assessment fee of \$60.00. This is not a property-based district, therefore, property owners are not assessed.
5. The amount of any surplus or deficit revenues to be carried over from the previous fiscal year: Our fiscal year ends on 2/28. The first calendar year disbursement of assessments occurs on 4/30; therefore, \$15,000 from the prior fiscal year will be carried over for recurring expenses for March and April of the upcoming fiscal year. If available, up to \$50,000 will be carried forward for planned Capital Projects expenditures in 2021. Examples of these projects are, district wide tree trimming and tree replacement, street banner replacement or holiday decoration replacement.
6. The amount of any contributions to be made from sources other than assessments levied: The Rockridge Business Improvement District will seek sponsorship funds for our promotional and beautification efforts. We also offer the opportunity for businesses outside our footprint to participate in our marketing efforts for a fee.

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7. Annual Renewal Notice: Starting in 2014 the notice has to be sent every five years. The notice will be sent again in 2023 as the last notice was sent in 2018. Section 12 of Ordinance 12301 C.M.S., as amended by Ordinance 13261 C.M.S., now states: *"The Governing Council (Advisory Board) of the Rockridge BID shall annually 45 days before the anniversary of the establishment of the Rockridge Business Improvement District Ordinance give the assessees of the District written notice of their rights to seek disestablishment of the district and the process therefore. Commencing with the year 2014, said notice shall no longer be required annually, but shall be given once every five years, with the next notice to be sent 45 days before the District's formation anniversary in the year 2018. In their annual report to Council, the Advisory Board shall report that they have provided this notice."* Accordingly, the required notice was provided in 2018 and the next notice will be due in 2023.

Please contact Anthony Barr, Treasurer of the Rockridge Business Improvement District, should you have any questions regarding this report.

September 12, 2020

Exhibit A

(To the Resolution Levying the FY 2021-2022 Rockridge BID Assessment)

RDA, a Rockridge Business Improvement District

Proposed Budget

March 2021 to February 2022

Income

Gross BID Revenue	\$158,400
Capital Projects Carryforward	<u>\$50,000</u>
Carryforward to cover March/April 2021 expenses	<u>\$15,000</u>
Total Income	\$223,400

Expense

Organization	\$77,000
City of Oakland- Collection Cost	\$2,400
City of Oakland- Legal Noticing	\$1,100
Marketing & Promotion	\$37,900
Streetscape & Security	\$40,000
Capital Projects	<u>\$50,000</u>
Reserves (needed to cover March/April expenses in 2022)	<u>\$15,000</u>
Total Expense	\$223,400

Exhibit A

(To the Resolution Levying the FY 2021-2022 Rockridge BID Assessment)

Rockridge BID Key Accomplishments For 2020

The Rockridge District Association, non-profit management corporation of the Rockridge BID (RDA), is very pleased to be able to bring you the news that the blighted, abandoned and unsafe, as well as all other newsstands, have been removed from College Avenue. This has been an ongoing issue for our district for years, one that has been brought to Mayor Schaaf's attention. The city not only issued the order to remove but over a 2-day process cleared the Avenue of them. If we're not mistaken the Rockridge BID may be the only district in Oakland who is been able to accomplish this in accordance with our city's ordinance and assistance from Public Works. This is to be added to the list of our many accomplishments to make the Avenue a safer more attractive district for all. This includes, but is not limited to, the repainting of our streetlight poles, removal of the unused AC transit bus shelter which had become an attractive nuisance consuming many city resources in an attempt to abate illegal and unsanitary activity, and the addition of lighted holiday decorations.

In spite of these extraordinarily trying times, we continue to work 7 days a week to maintain a clean and safe district. With the challenges our members face moving forward the RDA is doing our part to support them. This has an ancillary effect of helping to attract new tenants. And, we're happy to say we've had one new business open and another to come online shortly. This is a testament to the fact that entrepreneurs have enough faith that College Avenue will continue to thrive.

The RDA continues to build bridges with the property owners. We've helped to fill vacant storefronts and assist our members in finding a more suitable space here on the Avenue allowing them to continue to be a viable asset not only to our district but our city. The RDA as an entity is facing its own challenges. Being that our funding is derived from gross revenue produced by our members our budget will be greatly impacted by the pandemic. Fortunately, and purposefully our fiscal house is in good order thus we hope to continue our mission of supporting our members to the best of our ability.

