

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2006 OCT 19 PM 3:09

OAKLAND CITY COUNCIL

RESOLUTION NO. 80245 C.M.S.

**RESOLUTION CONFIRMING THE ANNUAL REPORT OF THE
MONTCLAIR BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD
AND LEVYING THE ANNUAL ASSESSMENT FOR THE MONTCLAIR
BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2007/08**

WHEREAS, the State of California allows for the formation of business assessment districts under Street and Highways Code Section 36500 et seq. [Senate Bill 1424]; and

WHEREAS, the City Council approved a Neighborhood Business Improvement District ("NBID") Program pursuant to Oakland City Council Resolution No. 75323, dated November 9, 1999, to provide technical and financial assistance to stakeholder groups of business owners in the City to assist in the formation of such districts; and

WHEREAS, the business license holders in the Montclair business district petitioned to form the Montclair 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 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, the Plan was prepared in accord with the provisions of the law overseeing the formation of the District as referenced above, and has been filed with the City; and

WHEREAS, pursuant to the requirements of the law the Montclair Business Improvement District was established by the City Council on November 27, 2001 pursuant to Ordinance Number 12378; and

WHEREAS, the Annual Report (attached Exhibit A) has been prepared by the Montclair Business Improvement District Advisory Board and filed with the City Clerk, and the City Council desires to confirm the Report, and levy the annual assessment for the

Montclair Business Improvement District for fiscal year 2007/08;
and

WHEREAS, Until disbursed, BID assessments will be held in a special trust fund established by the Finance and Management Agency on behalf of the Montclair Business Improvement District in Miscellaneous Trusts Fund (7999), Neighborhood Commercial Revitalization & Service Delivery System Organization (88569), Pass Thru Assessments Account (24224), Undetermined Project (0000000); now therefore be it

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

1. The Montclair Business Improvement District was established in the Montclair 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. A Public Hearing was held on October 31, 2006 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 2007/08. 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 2007/08 fiscal year as provided for in the Annual Report in accordance with the assessment formula as provided for in the Plan and Annual Report.
5. The proposed method and basis of levying 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.
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 and may provide for the same penalties for delinquent payment. The City may 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

EXHIBIT A
(to the resolution confirming the Montclair BID annual report
and levying the FY 07/08 assessment)



ANNUAL REPORT TO THE NEIGHBORHOOD COMMERCIAL REVITALIZATION
PROGRAM (CEDA) RELATED TO THE FIFTH YEAR OF THE MONTCLAIR B.I.D.

Section 36533

(b)(1)

There are no proposed changes in the boundaries of the parking and business improvement area or in any benefit zones in the area.

(b)(2)

Please see the attached budget which will outline the improvements and activities to be funded and provided in the year ending December 31, 2007.

(b)(3)

Please see attached budget.

(b)(4)

The method and basis of levying the assessment has not changed from the adoption of the original ordinance.

(b)(5)

There are no anticipated surplus or deficit funds to be carried over. All funds anticipated with the exception of non B.I.D. revenues have been accounted for.

(b)(6)

Other than assets levied, funds have been generated from Pacific fine Arts Festivals and management of the Montclair Parking Garage.

Justin Baxter
President, Montclair Village Association

PROPOSED 2007 BUDGET FOR MONTCLAIR VILLAGE ASSOCIATION (B.I.D.)

INCOME

| | |
|---|-------------|
| B.I.D. REVENUES BASED ON 2006 COLLECTIONS | \$99,000.00 |
| ART FESTIVALS | 10,000.00 |
| GARAGE MANAGEMENT | 10,800.00 |

TOTAL PROJECTED INCOME **\$119,800.00**

EXPENSES

| | |
|----------------------|-------------|
| PROMOTIONS COMMITTEE | |
| WEB SITE | \$3,000.00 |
| SPECIAL EVENT | 4,100.00 |
| HOLIDAY | 3,000.00 |
| DIRECTORY | 5,000.00 |
| MARKETING MATERI | 1,000.00 |
| | \$16,100.00 |

| | |
|------------------------|-------------|
| ECONOMIC RESTRUCTURING | |
| SECURITY | 22,800.00 |
| MAINTENANCE | 17,800.00 |
| | \$40,600.00 |

| | |
|------------------|-----------|
| DESIGN COMMITTEE | |
| BANNERS | 3,000.00 |
| MAP SIGNAGE | 600.00 |
| BEAUTIFICATION | 12,000.00 |
| | 15,600.00 |

| | |
|------------------------|-------------|
| ORGANIZATION COMMITTEE | |
| INSURANCE | 3,200.00 |
| OFFICE SUPPLIES | 3,000.00 |
| POSTAGE | 1,500.00 |
| RENT | 4,500.00 |
| STAFF | 26,000.00 |
| TAXES | 300.00 |
| ACCOUNTANT | 700.00 |
| MEETINGS | 800.00 |
| | \$40,000.00 |

| | |
|------------------|------------|
| OTHER | |
| CITY COLLECTION | 2,500.00 |
| GARAGE SAVINGS/ | |
| CITY LOAN PAYMEN | 3,200.00 |
| CONTINGENCY | 1,800.00 |
| | \$7,500.00 |

TOTAL PROJECTED EXPENSES **\$119,800.00**