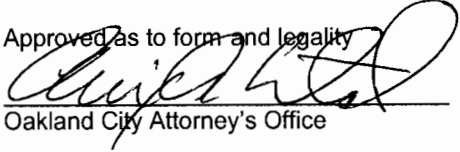


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 NOV 21 PM 12:53

Approved as to form and legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 83647 C.M.S.

RESOLUTION CONFIRMING THE ANNUAL REPORT OF THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND LEVYING THE ANNUAL ASSESSMENT FOR THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2012/2013

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, the Rockridge Business Improvement District was established by the City Council on November 28, 2000 pursuant to Ordinance No. 12301; and

WHEREAS, pursuant to Streets and Highways Code Section 36533, the Annual Report (attached **Exhibit A**) has been prepared by the Rockridge 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 Rockridge Business Improvement District for fiscal year 2012/2013; 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 6, 2011, 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 2012/2013. 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 2012/2013 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. For the fiscal year 2012/2013 assessment a sub-classification of businesses that earn annual gross receipts of \$25,000 or less is proposed to be created with a temporarily reduced fee for that assessment year of \$60. Such sub-classification is proposed to be temporarily created to reduce the number and expense of processing hardship partial fee waiver requests, and the reduced fee amount would 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 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 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 improvements and activities proposed to be funded by the levy of assessments on businesses in the area are those specified above in this Resolution

and more specifically as described in the Plan and the Annual 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 Finance and Management Agency on behalf of the Rockridge Business Improvement District in: Miscellaneous Trusts Fund (7999), Neighborhood Commercial Revitalization & Service Delivery System Organization (88569), Pass Thru Assessments Account (24224), Undetermined Project (0000000), Rockridge Business Improvement District Program (RBID).
10. The City Administrator is hereby authorized to enter into annual contracts and related amendments for the security, marketing, maintenance, or other activities and improvements for the District, or to conduct or contract for such services and improvements as provided for in the State of California Streets and Highways Code Section 36500 *et seq.*

DEC - 6 2011

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and
PRESIDENT REID ~~§~~

NOES- ~~✓~~

ABSENT- ~~✓~~

ABSTENTION- ~~✓~~

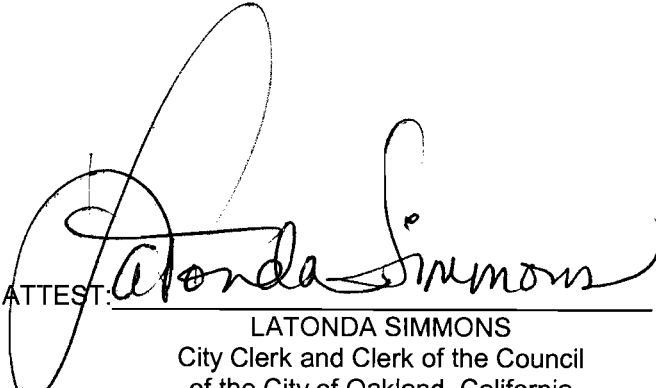
ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Exhibit A
(To the Resolution to Levy the FY 2012/13 Rockridge BID Assessment)

**Rockridge Business Improvement District
Annual Report To The City Of Oakland
For The Fiscal Year 2012-2013**

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

I. 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

II. Improvements and activities to be provided for in fiscal year 2012/2013.

Please see the attached budget, which will outline the improvements and activities to be funded and provided in the upcoming fiscal year through Feb 28, 2013.

III. Estimate of the cost of providing the improvements and activities for fiscal year 2012/2013.

Please see attached budget.

IV. 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.

V. The amount of any surplus or deficit revenues to be carried over from the previous fiscal year.

The district anticipates a carryforward of fiscal year 2011/12 funds of approximately \$20,000..

VI. 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.

VII. Annual Renewal Notice.

The annual notice will be mailed to all members in good standing on/before 10/12/11.

"Per council adoption of the Rockridge ordinance in November 2000, 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 disestablish the district and the process therefore, and shall report that they have done so each year in the annual report to the Council."

Please contact Henry C. Levy, Treasurer of the Rockridge Business Improvement District, should you have any questions regarding this report.

October 3, 2011

RDA, a Rockridge Business Improvement District
Proposed Budget
March 2012 to February 2013

Income

Gross BID Revenue		\$128,400	
FY 2011/12 Carryover (Approx)		\$20,000	
City of Oakland- Loan Repayment		(\$2,550)	
City of Oakland- Collection Cost		(\$4,000)	
City of Oakland- Noticing		(\$850)	
	Total Available Income		\$141,000

Expense

Organization Committee

Accounting & Legal		\$4,000	
Board Meeting Expense		\$500	
Insurance		\$2,500	
Office Expense		\$1,500	
Postage, Copy & Printing		\$500	
Professional Administration --	Operations Mgr / Admin Assnt	\$52,000	
Telecommunications		\$750	
Total Organization Committee			\$61,750

Marketing & Promotion Committee

Advertising & Graphics		\$2,000	
Events		\$6,000	
Marketing & Materials		\$6,550	
Professional Services-Marketing		\$1,000	
Storage & Rent		\$1,200	
Web Design & Communication		\$2,500	
Total Marketing & Promotion Committee			\$19,250

Streetscape & Security Committe

Professional Services-Security		\$15,000	
Streetcleaning Wages		\$10,000	
Beautification-Streetscape Misc		\$15,000	
Total Streetscape & Security Committee			\$40,000

Contingency Fund

		\$20,000	
Total Contingency Fund			<u>\$20,000</u>
	Total Expense		\$141,000