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OAKLAND CITY COUNCIL

RESOLUTION NO. 83622 C.M.S.

**RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT
FOR FISCAL YEAR 2012/13 FOR THE ROCKRIDGE BUSINESS
IMPROVEMENT DISTRICT, APPROVING THE ANNUAL REPORT OF
THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD, AND SCHEDULING A PUBLIC HEARING FOR
DECEMBER 6, 2011**

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 new security, beautification, 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 Number 12301; and

WHEREAS, pursuant to Streets and Highways Code Section 36533, the Annual Assessment Report (attached as Exhibit A) ("Report") has been prepared by the Rockridge Business Improvement District Advisory Board and filed with the City Clerk; and

WHEREAS, state law requires that before the annual assessment for the Rockridge Business Improvement District is levied, the City Council must: (1) approve the Report, (2) approve a Resolution of Intention that declares the City's intention to collect the assessments, and (3) schedule a public hearing to be held on the levy of the proposed assessment ; and

WHEREAS, if the District assessments are approved and levied, they will be held (until disbursed) in a special trust fund established by the Finance and Management Agency on behalf of the District in Miscellaneous Trusts Fund (7999)/NCR & SDS Org (88569)/Pass Thru Assessments Account (24224)/Undetermined Project (0000000)/Rockridge BID Program (RBID); now therefore be it

RESOLVED: that the Council of the City of Oakland does 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. The Annual Assessment Report for the District is hereby approved, and pursuant to Streets and Highways Code Section 36534, the City Council declares its intention to levy and collect the assessments for the 2012/13 fiscal year as provided for in the Annual Assessment Report and pursuant to the assessment formula as provided for in the Plan, if the requested assessments are approved by the City Council after the Public Hearing scheduled by this Resolution of Intention.
3. 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.
4. The types of the 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 Assessment Report on file with the City Clerk. No substantial changes in the improvements or activities for the District are proposed to be made. Please refer to the Plan and Report on file with the City Clerk for a full and detailed description of the improvements and activities to be provided for the 2012/13 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 2012/13 fiscal year.
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 2012/13 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. A Public Hearing is set for 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 2012/13.
7. The City Clerk is directed to give notice of the Public Hearing by causing the Resolution of Intention to be published once in a newspaper of general circulation in the City of Oakland for not less than seven days before the Public Hearing.
8. At the Public Hearing the testimony of all interested persons for or against the proposed assessments will be heard and written and oral protests may be made.

The form and manner of protests shall comply with Sections 36524 and 36525 of the Streets and Highways Code.

9. A protest may be made orally or in writing by any interested person. 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.
10. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.
11. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the City as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business.
12. A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.
13. If written protests are received by the owners of businesses in the proposed area which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than that 50 percent, the proposed assessment shall not be levied.

NOV 15 2011

IN COUNCIL, OAKLAND, CALIFORNIA, _____, _____.

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and
PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:

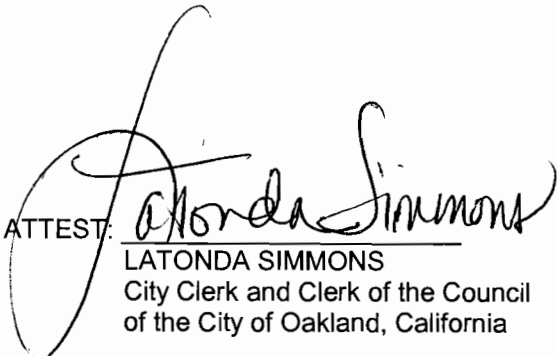

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

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 Rockrdige 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

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