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APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89293 C.M.S.

RESOLUTION:

1. APPROVING THE FISCAL YEAR 2021-22 ANNUAL REPORTS OF THE LAKESHORE/LAKE PARK BUSINESS IMPROVEMENT MANAGEMENT DISTRICT OF 2012 (LAKESHORE DISTRICT), THE JACK LONDON IMPROVEMENT DISTRICT (JACK LONDON DISTRICT), THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 (TEMESCAL DISTRICT), THE LAUREL BUSINESS IMPROVEMENT DISTRICT 2016 (LAUREL DISTRICT), THE KOREATOWN/NORTHGATE COMMUNITY BENEFIT DISTRICT 2017 (KOREATOWN DISTRICT), THE OAKLAND TOURISM BUSINESS IMPROVEMENT DISTRICT 2018 (OAKLAND TOURISM DISTRICT), THE DOWNTOWN OAKLAND COMMUNITY BENEFIT DISTRICT 2018 (DOWNTOWN OAKLAND DISTRICT), AND THE LAKE MERRITT-UPTOWN COMMUNITY BENEFIT DISTRICT 2018 (LAKE MERRITT-UPTOWN DISTRICT) ADVISORY BOARDS; AND
2. CONFIRMING THE CONTINUING ANNUAL ASSESSMENT FOR EACH SAID DISTRICT AND FOR THE CHINATOWN COMMUNITY BENEFIT DISTRICT 2021 (CHINATOWN DISTRICT), WITH THE EXCEPTION OF THE LAKESHORE DISTRICT THAT IS EXPIRING, FOR FISCAL YEAR 2022-23 AND LEVYING SAID ASSESSMENTS;
3. INCREASING THE JACK LONDON DISTRICT, TEMESCAL DISTRICT, KOREATOWN DISTRICT, DOWNTOWN OAKLAND DISTRICT, AND LAKE MERRITT-UPTOWN DISTRICT BY FIVE (5) PERCENT FOR THE 2022-2023 ASSESSMENT; AND
4. AUTHORIZING PAYMENT OF THE CITY'S CUMULATIVE FISCAL YEAR 2022-23 FAIR SHARE ASSESSMENT IN AN APPROXIMATE AMOUNT OF THREE HUNDRED EIGHTY-NINE THOUSAND FOUR HUNDRED FIFTY-THREE DOLLARS AND SIXTY-SEVEN CENTS (\$389,453.67) FOR CITY-OWNED PROPERTIES IN THE JACK LONDON DISTRICT, THE TEMESCAL DISTRICT, THE KOREATOWN DISTRICT, THE DOWNTOWN OAKLAND DISTRICT, THE LAKE MERRITT-UPTOWN DISTRICT, AND THE CHINATOWN DISTRICT; AND

5. RENEWING THE AGREEMENTS WITH THE DISTRICTS FOR ADMINISTRATION AND DISBURSEMENT OF FUNDS

WHEREAS, Section 4.48 of the Oakland Municipal Code (OMC), the City of Oakland Business Improvement Management District (BIMD) Ordinance, allows for the formation of business improvement management districts; and

WHEREAS, pursuant to OMC Section 4.48, affected property owners petitioned to form the Lakeshore/Lake Park Business Improvement Management District of 2012 (“Lakeshore BID”), the Jack London Improvement District (“Jack London BID”), the Temescal/Telegraph Business Improvement District 2015 (“Temescal BID”), the Laurel Business Improvement District 2015 (“Laurel BID”), the Koreatown/Northgate Community Benefit District 2017 (“Koreatown CBD”), the Oakland Tourism Business Improvement District 2018 (“Oakland Tourism BID”), the Downtown Oakland Community Benefit District 2018 (“Downtown Oakland CBD”), the Lake Merritt-Uptown Community Benefit District 2018 (“Lake Merritt CBD”), and the Chinatown Community Benefit District 2021 (“Chinatown District”) Advisory Boards (together, the “Districts”) and to undertake the Management Plans for the Districts (“Plans”) which are on file with the City Clerk; and

WHEREAS, the Plans provide for enhanced services such as new security, crime prevention, beautification, parking resolution, sidewalk sweeping, economic development, lighting, and marketing activities with the intent of creating a positive atmosphere in the District areas (as more specifically identified in their respective Plans); and

WHEREAS, the Plans were prepared in accordance with Oakland Municipal Code Chapter 4.48, and have been filed with the City; and

WHEREAS, pursuant to the requirements of the law the Districts were established as follows:

- the Lakeshore BID on July 17, 2012 pursuant to Resolution No. 84004 C.M.S.;
- the Jack London BID on July 16, 2013, pursuant to Resolution No. 84534 C.M.S.;
- the Temescal BID on July 29, 2014, pursuant to Resolution No. 85148 C.M.S.;
- the Laurel BID, July 7, 2015, pursuant to Resolution No. 85682 C.M.S.;
- the Koreatown CBD, July 18, 2017, pursuant to Resolution No. 86864 C.M.S.;
- the Oakland Tourism District, June 19, 2018, pursuant to Resolution No. 87242 C.M.S.;
- the Downtown Oakland CBD, July 24, 2018, pursuant to Resolution No. 87323 C.M.S.;
- the Lake Merritt CBD, July 24, 2018, pursuant to Resolution No. 87324 C.M.S.;
- the Chinatown District, July 26, 2021, pursuant to Resolution No. 88781 C.M.S.; and

WHEREAS, the FY 2021-22 Annual Reports (attached in Exhibit A) have been prepared by the Lakeshore BID, Jack London BID, Temescal BID, Laurel BID, Koreatown CBD, Oakland Tourism District, Downtown Oakland CBD, and Lake Merritt CBD Advisory Boards and filed with the City Clerk; and

WHEREAS, the FY 2021-22 Annual Report for the Jack London BID includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2022-23 for the Jack London BID,

which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the BID; and

WHEREAS, the FY 2021-22 Annual Report for the Temescal BID includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2022-23 for the Temescal BID, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the BID; and

WHEREAS, the FY 2021-22 Annual Report for the Koreatown BID includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2022-23 for the Koreatown BID, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the BID; and

WHEREAS, the FY 2021-22 Annual Report for the Downtown Oakland BID includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2022-23 for the Downtown Oakland BID, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the BID; and

WHEREAS, the FY 2021-22 Annual Report for the Lake Merritt BID includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2022-23 for the Lake Merritt BID, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the BID; and

WHEREAS, the City owes a cumulative fiscal year 2022-23 fair share assessment of \$389,453.67 for the City-owned properties shown in Table 1 below:

Table 1: List of City properties subject to FY 2022-23 BID Assessment Levies

District	APN	Legal Owner	Site Description	Annual Assessment
Chinatown	1-177-1	City	163 9th St	\$ 7,809.04
Chinatown	1-179-1-1	City	822 Alice St	\$ 1,069.92
Chinatown	1-179-1-2	City	Alice St	\$ 329.92
Chinatown	1-183-1	City	640 Harrison St	\$ 13,528.80
Chinatown	2-71-1	City	250 10th St	\$ 14,053.85
Chinatown	2-89-1	City	125 14th St	\$ 12,465.50
Chinatown	2-91-1	City	Oak St	\$ 6,829.65
Chinatown	2-100-11	City	1220 Harrison St	\$ 4,041.10
Chinatown	18-450-4	City	1000 Oak St	\$ 43,225.00
Downtown Oakland	2-97-45	City	1327 Broadway	\$ 4,463.85
Downtown Oakland	3-65-9-2	City	250 Frank H. Ogawa Plz	\$ 28,085.80

District	APN	Legal Owner	Site Description	Annual Assessment
Downtown Oakland	3-67-2	City	City Hall Plz	\$ 11,876.85
Downtown Oakland	3-67-3	City	1 Frank H Ogawa Plz	\$ 19,756.64
Downtown Oakland	3-67-4	City	1414 Clay (Garage)	\$ 11,873.25
Downtown Oakland	8-619-8-1	City	150 Frank H Ogawa Plz	\$ 27,371.27
Downtown Oakland	8-620-9-3	City	524 16 th St	\$ 2,162.17
Downtown Oakland	8-641-8-5	City	540 17 th St (Oakland Ice Center)	\$ 28,079.13
Downtown Oakland	1-199-1	City	620 Washington (Police Admin Bldg)	\$ 33,319.87
Downtown Oakland	2-98-1	City	Clay St (Scotlan Convention Ctr)	\$ 33,200.15
Downtown Oakland	2-97-40	City	11 th St (T 5/6 Development Site)	\$ 3,343.83
Koreatown	8-648-16-3	City	2100 Telegraph	\$ 4,310.20
Koreatown	9-684-5-1	City	404 26 th Street	\$ 750.15
Koreatown	8-659-25	City	641 W. Grand Ave	\$ 490.18
Lake Merritt	8-623-6-1	City	1731 Franklin (Franklin St Garage)	\$ 19,926.51
Lake Merritt	8-635-1	City	274 19 th St (Snow Park)	\$ 22,483.01
Lake Merritt	8-649-5	City	2025 Broadway (Paramount Theater)	\$ 9,027.35
Lake Merritt	8-655-6	City	Grand Ave (foot of Valdez)	\$ 1,994.30
Lake Merritt	10-768-4	City	200 Grand Ave (Veterans Memorial Bldg)	\$ 11,159.55
Lake Merritt	8-673-1	City	2500 Broadway (Plaza)	\$ 1,335.75
Lake Merritt	8-716-58	City	1911 Telegraph (Vacant)	\$ 8,817.97
Temescal	14-1219-3	City	5205 Telegraph Ave	\$ 2,104.84
Jack London	18-425-4-1	City	Embarcadero	\$ 168.25
			CITY TOTAL	\$ 389,453.67

; and

WHEREAS, it is possible that additional properties will be transferred to City of Oakland ownership during fiscal year 2022-23, thus increasing the City's fair share assessments; and

WHEREAS, funds to pay the assessments owed by the City will be budgeted as follows:

For assessor parcel numbers 1-177-1, 1-179-1-1, 1-179-1-2, 1-183-1, 2-71-1, 2-89-1, 2-91-1, 2-100-11, 18-450-4, 3-65-9-2, 3-67-2, 3-67-3, 3-67-4, 8-619-8-1, 1-199-1, 2-98-1, 8-648-16-3, 9-684-5-1, 8-659-25, 8-623-6-1, 8-635-1, 8-649-5, 8-655-6, 10-768-4, 8-673-1, 14-1219-3, and 18-

425-4-1, funds will be budgeted in General Purpose Fund (1010)/Economic Development Organization (85411)/Taxes and Assessments Account (53511)/Business Improvement District Project (1000147)/Citywide Activities Program (IP50).

For assessor parcel numbers 2-97-45, 8-620-9-3, 2-97-40, and 8-716-58, funds will be budgeted in Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Downtown Capital Project (1000169)/Downtown Program (SC13).

For assessor parcel number 8-641-8-5, funds will be budgeted in Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Oakland Ice Center Project (1003244)/Downtown Program (SC13); and

WHEREAS, until disbursed, BID and CBD assessments will be held in a special trust fund established by the Finance Department on behalf of the Districts in Miscellaneous Trusts Fund (7999)/Treasury Operations Organization (08721)/Pass Thru Assessments Account (24224)/DP080 Administrative Project (1000007), as well as Economic Development Organization (85411)/DP850 Administrative Project (1000019); now, therefore, be it

RESOLVED: That the City Council does hereby find that the Advisory Boards for the the Lakeshore BID, the Jack London BID, the Temescal BID, the Laurel BID, the Koreatown CBD, the Oakland Tourism BID, the Downtown Oakland CBD, and the Lake Merritt CBD were duly appointed by Resolutions of the City Council and have filed their Annual Reports for the 2021-22 fiscal year as required by law; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2021-22 Annual Report as filed by the Lakeshore BID Advisory Board; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2021-22 Annual Report as filed by the Jack London BID Advisory Board and confirms the continuing annual assessments for the Jack London BID for the 2022-23 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2022-23 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2021-22 Annual Report as filed by the Temescal BID Advisory Board and confirms the continuing annual assessments for the Temescal BID for the 2022-23 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2022-23 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2021-22 Annual Report as filed by the Laurel BID Advisory Board and confirms the continuing annual assessments for the Laurel BID for the 2022-23 fiscal year, and the City Council does hereby levy and direct the collection of the assessments for the 2022-23 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2021-22 Annual Report as filed by the Koreatown CBD Advisory Board and confirms the continuing annual assessments for the Koreatown CBD for the 2022-23 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2022-23 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2021-22 Annual Report as filed by the Oakland Tourism BID Advisory Board and confirms the continuing annual assessments for the Oakland Tourism BID for the 2022-23 fiscal year, and the City Council does hereby levy and direct the collection of the assessments for the 2022-23 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2021-22 Annual Report as filed by the Downtown Oakland CBD Advisory Board and confirms the continuing annual assessments for the Downtown Oakland CBD for the 2022-23 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2022-23 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2021-22 Annual Report as filed by the Lake Merritt Advisory Board and confirms the continuing annual assessments for the Lake Merritt CBD for the 2022-23 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2022-23 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the proposed method and basis of levying the assessments to be levied against each property in the Districts have not been changed or modified and are those specified in the Annual Reports and the Plans on file with the City Clerk which were previously adopted after holding the required public meetings and public hearings and protest procedures as provided for by law; and be it

FURTHER RESOLVED: That the assessments shall be attached to the property and collected with the annual county property taxes, and in certain cases, as specified in the Plans, through a special municipal billing; and be it

FURTHER RESOLVED: That the boundaries of the Districts shall remain the same as specified in the Plans on file with the City Clerk and there are no changes to the boundaries or benefit zones; and be it

FURTHER RESOLVED: That the types of the improvements and activities proposed to be funded by the levy of assessments on property in the BIDs are those described in the Plans and the Annual Reports on file with the City Clerk, and there are no substantial changes in the improvements or activities for the Districts; and be it

FURTHER RESOLVED: That the 2022-23 fiscal year assessments for the Districts are as follows (including the City's fair share assessment amounts):

- Approximately \$1,158,866 for the Jack London BID, and
- Approximately \$732,493 for the Temescal BID, and
- Approximately \$218,594 for the Laurel BID, and
- Approximately \$668,768 for the Koreatown CBD, and
- Approximately \$1,052,104 for the Oakland Tourism BID, and
- Approximately \$2,340,737 for the Downtown Oakland CBD, and
- Approximately \$1,907,802 for the Lake Merritt-Uptown CBD,
- Approximately \$1,309,837 for the Chinatown CBD; and be it

FURTHER RESOLVED: That the amount chargeable to each parcel in each District shall be as determined by the Plans and Annual Reports on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator is authorized to and shall pay a cumulative fiscal year 2022-23 fair share assessment of an aggregate approximate amount of \$389,453.67 for City-owned property as more specifically described in **Table 1** above from the General Purpose Fund (1010)/Economic Development Organization (85411)/Taxes and Assessments Account (53511)/Business Improvement District Project (1000147)/Citywide Activities Program (IP50) and the Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Downtown Capital Project (1000169)/Downtown Program (SC13) and the Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Oakland Ice Center Project (1003244)/Downtown Program (SC13); and be it

FURTHER RESOLVED: That the City Administrator is authorized to pay the fair share assessments from the funds listed above for any additional properties located in any of the Districts that are transferred to City of Oakland ownership during fiscal year 2022-23; and be it

FURTHER RESOLVED: That the agreements between the City and the Districts for administration of the Districts and disbursement of funds are hereby renewed, and the City Administrator is hereby authorized to make amendments if necessary pursuant to the City of Oakland Business Improvement Management District Ordinance (Chapter 4.48, Ordinance 12190 C.M.S., 1999), as amended.

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IN COUNCIL, OAKLAND, CALIFORNIA, JUL 5 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: _____



ASHA REED

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