

*Clara Rosenthal*  
Oakland City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 OCT 28 PM 2:23

# OAKLAND CITY COUNCIL

RESOLUTION No. 83041 C.M.S.

**RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2011/12 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 7, 2010**

**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 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**, pursuant to the requirements of the law 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) has been prepared by the Rockridge Business Improvement District Advisory Board and filed with the City Clerk, and the City Council approves the Report, and the City Council wishes to levy the annual assessment for the Rockridge Business Improvement District; now therefore be it; and

**WHEREAS**, until disbursed, District assessments will be held 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); 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 approved, and pursuant to Streets and Highways Code Section 36534, the City Council declares its intent to levy and collect the assessments for the 2011/12 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 2011/12 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 2011/12 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 2011/12 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 7, 2010, 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 2011/12.
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.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 9 2010

**PASSED BY THE FOLLOWING VOTE:**

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

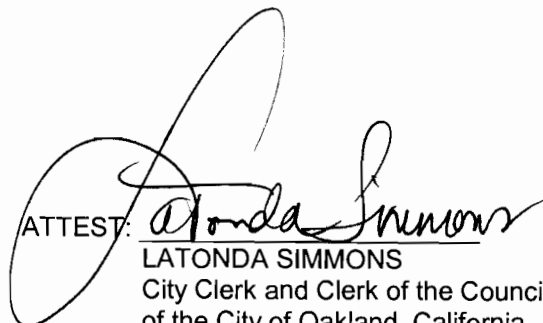
ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Exhibit A  
(To the Resolution to Levy the FY 2011/12 Rockridge BID Assessment)

**Rockridge Business Improvement District  
Annual Report To The City Of Oakland  
For The Fiscal Year 2011-2012**

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 2011/2012.**

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, 2012.

**III. Estimate of the cost of providing the improvements and activities for fiscal year 2011/2012.**

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. This is not a property based district, therefore property owners are not assessed.

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

The district anticipates no surplus or deficit.

**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 on/before 10/12/10.

"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.

September 17, 2010



Rockridge District Association  
Proposed Budget  
March 2011-February 2012

Income	BID Revenue	\$120,000.00
<b>Expense</b>		
<b>Organization Committee</b>		
	Accounting & Legal	\$5,000.00
	Board Meeting Expenses/Annual	\$1,700.00
	City of Oakland Collection Cost	\$4,000.00
	Insurance	\$2,000.00
	Office Expense	\$3,050.00
	Postage, Copying & Printing	\$3,000.00
	Telecommunication	\$1,000.00
	City of Oakland Loan Repayment	\$2,550.00
	<b>Total Organization Committee</b>	<b>\$22,300.00</b>
<b>Marketing &amp; Promotion Committee</b>		
	Advertising & Graphics	\$2,500.00
	Events	\$4,000.00
	Professional Services-Marketing	\$25,000.00
	Storage & Rentals	\$1,200.00
	Streetscape Amenities	\$5,000.00
	Web Design & Communication	\$2,000.00
	<b>Total: Marketing &amp; Promotion</b>	<b>\$39,700.00</b>
<b>Streetscape &amp; Security Committee</b>		
	Professional Services-Streetscape	\$25,000.00
	Streetcleaning Wages	\$32,000.00
	Beautification-Streetscape Misc	\$1,000.00
	<b>Total: Streetscape &amp; Security</b>	<b>\$58,000.00</b>
<b>Total Expenses</b>		<b>\$120,000.00</b>