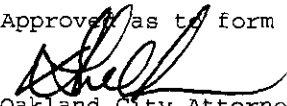


Approved as to form and legality


Oakland City Attorney's Office
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

79594

2005 NOV -2 PM 4:35

RESOLUTION No. _____ 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 2006/07

WHEREAS, the State of California allows for the formation of business assessment districts under Streets 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 activities such as additional security and maintenance, web page design, 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 as 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 2006/07;

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 trust fund number: Miscellaneous Trusts Fund (7999)/Neighborhood Commercial Revitalization & Service Delivery System Organization (88569)/Pass Thru Assessments Account (24224)/Undetermined Project (0000000).

NOW, THEREFORE, the Council of the City of Oakland does hereby find and resolve 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 Streets 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 November 15, 2005, 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 2006/07. The City Council finds that there was no majority protest as defined in the Streets 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 2006/07 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 have not been changed and are those specified in the Plan and Annual 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 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 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 Report on file with the City Clerk. There are no substantial changes in the improvements or activities for the District.

IN COUNCIL, OAKLAND, CALIFORNIA, _____ **NOV²⁰ 15 2005**

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, KERNIGHAN and PRESIDENT DE LA FUENTE

NOES- **- 8**

ABSENT- \emptyset

ABSTENTION- \emptyset

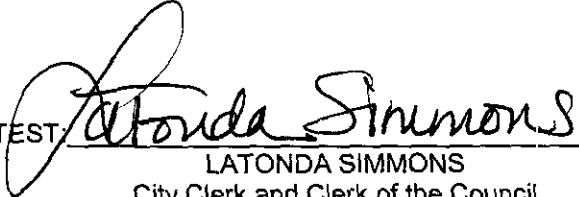
ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

(to the resolution confirming the Montclair BID annual report and levying the FY06/07 assessment)



OFFICE OF THE CITY CLERK
OAKLAND

2005 NOV -2 PM 4: 35

ANNUAL REPORT TO THE NEIGHBORHOOD COMMERCIAL REVITALIZATION PROGRAM (CEDA) RELATED TO THE THIRD 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, 2006.

(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, Jazz and Wine Festival off-set and management of the Montclair Parking Garage.

Justice Baxter
President, Montclair Village Association

PROPOSED 2006 BUDGET FOR MONTCLAIR VILLAGE ASSOCIATION (B.I.D.)

Revised 9/7/2005

INCOME

B.I.D. REVENUES BASED ON 2005 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 EVENTS	6,000.00
HOLIDAY	3,000.00
MKTING MATERIALS	1,000.00
VILLAGE GUIDE	5,000.00
	\$18,000.00

ECONOMIC RESTRUCTURING	
SECURITY	22,800.00
MAINTENANCE	16,200.00
	\$39,000.00

DESIGN COMMITTEE	
BANNERS	3,500.00
MAP SIGNAGE	2,000.00
BEAUTIFICATION	12,000.00
	\$17,500.00

ORGANIZATION COMMITTEE	
INSURANCE	5,000.00
OFFICE SUPPLIES	3,000.00
POSTAGE	2,500.00
RENT	3,000.00
STAFF	22,580.00
TAXES	300.00
ACCOUNTANT	700.00
MEETINGS	720.00
	\$37,800.00

OTHER	
CITY COLLECTION	2,500.00
CITY LOAN PMT	3,200.00
CONTINGENCY	1,800.00
	\$7,500.00

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

diff \$0.00