

FILED  
OFFICE OF THE CITY CLERK  
Approved as to form and legality  
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CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Ordinance No. 12301 C.M.S.

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**ORDINANCE ESTABLISHING THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT, GRANTING APPROVAL OF THE MANAGEMENT PLAN FOR THE DISTRICT, APPROVING THE ASSESSMENT DISTRICT BOUNDARY DESCRIPTION, AND APPROVING THE PROPOSED ASSESSMENT TO THE AFFECTED BUSINESSES**

**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 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 Rockridge business district have petitioned to form the Rockridge Business Improvement District ("District") under said legislation to undertake the Management Plan for the District entitled, "Final Plan for the Proposed Rockridge Business Improvement District, approved June 14, 2000 and amended June 16, 2000", ("Plan") which is on file with the City Clerk and

**WHEREAS**, the Plan provides for 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 area (as more specifically identified in the Plan on file with the City Clerk); 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 Clerk for proceedings in formation of this District; and

**WHEREAS**, pursuant to the requirements of the law the affected Rockridge business license holders have voted through a ballot process administered by the City to form the proposed Rockridge Business Improvement District ("District"); and

**WHEREAS**, the City Council finds that the conduct of the ballot process conformed with all requirements of the law and that the Management Plan for the

District satisfies all the requirements of the law overseeing the formation of the District as referenced above;

Now therefore, the Council of the City of Oakland does ordain as follows:

**Section 1. Title.** This Ordinance may be referred to as the "The Rockridge Business Improvement District Ordinance."

**Section 2. Establishment of the District.** A parking and business improvement area for the Rockridge area is hereby established pursuant to Street and Highways Code section 36500 et seq with the boundaries as specified in the Plan on file with the City Clerk – Exhibit C to the Resolution of Intention. The name of the District shall be The Rockridge Business Improvement District. The Plan for the District, is approved, and the assessments for the first year shall be as provided for in the Plan and Exhibit "A" attached hereto and incorporated herein by this reference.

**Section 3. Resolution of Intention.** The Resolution of Intention to form the District was adopted on October 31, 2000, Resolution number 76113 C. M. S. The Title of the Resolution adopted is **RESOLUTION OF INTENTION TO FORM THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT, GRANTING PRELIMINARY APPROVAL OF THE MANAGEMENT PLAN FOR THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT, DIRECTING FILING OF THE PROPOSED ASSESSMENT DISTRICT BOUNDARY DESCRIPTION, SUBMITTING A PROPOSED ASSESSMENT TO THE AFFECTED BUSINESSES FOR MAJORITY PROTEST PROCEDURE APPROVAL; AND SCHEDULING A PUBLIC HEARING FOR NOVEMBER 28, 2000.**

**Section 4. Time and Place of Public Hearing.** The Public Hearing was held on November 28, 2000 at City Hall, One Frank H. Ogawa Plaza, Oakland California in the City Council Chambers.

**Section 5. Determination Regarding Protests.** The City Council hereby finds and determines that the public convenience and necessity required the establishment of the Plan area described in the Plan and that all of the businesses lying within the area will be benefited by the expenditure of the funds raised by the assessments or charges proposed to be levied. The City Council considered the protests received at the Public Hearing regarding the establishment of the District, the extent of the Plan area, and the furnishing of the specified types of improvements or activities, and determined that pursuant to the law the protests were not sufficient to preclude formation of the District as provided for in the Plan, and on that basis proceeded to form the District as provided for in the District Plan and to make the assessments as provided for in the Plan. All protests, both written and oral, are overruled and denied and the City Council finds that there is not a majority protest within the meaning of Section 36523 of the Street and Highways Code.

**Section 6. Plan Area Boundaries and Zones.** The boundaries of the District and the Zones shall be those specified in the Plan on file with the City Clerk (Exhibit C to the Resolution of Intention).

**Section 7. Amendments to the Street and Highways Code.** The businesses in the District created by this Ordinance shall be subject to any amendments to Street and Highways Code Section 36500 et seq..

**Section 8. The Method and Basis of Levying Assessments.** The method and basis for levying assessments shall be as specified in the Plan on file with the City Clerk (Exhibit C to the Resolution of Intention), and shall be assessed as provided for in the Plan with regard to the Classifications of businesses as specified in the Plan except that I.R. C. section 501 (C) (3) Organizations (non-profit organizations) shall be exempt from the assessments under the Plan. New businesses will not be exempt from the levy of the assessment.

**Section 9. Use of Assessment Funds.** The improvements and activities to be provided in the Plan area will be funded by the levy of the assessments approved pursuant to the Plan. The revenue from the levy of assessments within the Plan area shall not be used to provide improvements or activities outside the Plan area or for any purpose other than the purposes specified in the Resolution of Intention, as modified by the City Council at the Hearing concerning the establishment of the Plan area. The types of the improvements and activities to be funded by the levy of assessments on businesses in the area are those specified in the Plan.

**Section 10. Finding of Benefit.** The City Council hereby finds that the businesses and the property within the business and improvement are established by this Ordinance will be benefited by the improvements and activities funded by the assessments proposed to be levied.

**Section 11. The Time and Manner of Collecting Assessments.** The Time and Manner of Collecting Assessments shall be done annually in accordance with the City of Oakland Business Tax Billing cycle as provided for in the Plan (Exhibit C to the Resolution of Intention). All of the assessments imposed pursuant to this Ordinance shall be reviewed by the City council annually.

**Section 12. Governing Council to Give Notice of Right to Disestablishment.** The Governing Council (Advisory Board) of the Rockridge Business Improvement District shall annually 45 days before the anniversary of the establishment of the Rockridge Business Improvement Management 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 their annual report to Council.

In Council, Oakland, California, November 28, 2000.


**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, MILEY, NADEL, SPEES, WAN AND  
PRESIDENT DE LA FUENTE - >

NOES- 0

ABSENT- REID - 1

ABSTENTION- 0

Attest:   
Ceda Floyd  
CITY CLERK AND CLERK OF THE COUNCIL  
OF THE CITY OF OAKLAND, CALIFORNIA

**Notice and Digest**

ORDINANCE NO. 12301

An ordinance establishing the Rockridge Business Improvement District which will enable businesses within the District area to assess themselves for the special benefit to be conferred upon their businesses and property and to allow for the private administration of the Business Improvement Management District by affected businesses, granting approval of the management plan for the district, approving the assessment district boundary description, and approving the proposed assessment to the affected businesses.

## EXHIBIT A

To the Ordinance Establishing the Rockridge Business Improvement District

**ADDRESS SERIES AND  
BOUNDARIES FOR THE ROCKRIDGE B.I.D.**

It is proposed that the following street addresses be included in the Rockridge Business Improvement District:

<u>Street</u>	<u>Address Series</u>
62nd Street	307
Broadway	5050, 5152
	5100 - 5301 (odd number addresses only)
Chabot	6201
Claremont	6076 - 6250
College	5231 - 6323
Florio	6201
Keith	5655
Manila	5400
Miles	5697 - 5699
Oakgrove	5723

Total number of business license holders as of June 13, 2000: 406

