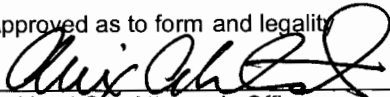


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 FEB -4 PM 6:12

Approved as to form and legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 82644 C.M.S.

RESOLUTION CONFIRMING THE ANNUAL REPORT OF THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND LEVYING THE ANNUAL ASSESSMENT FOR THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2010/11

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 services such as enhanced security, beautification, sidewalk sweeping, 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 No. 12301; and

WHEREAS, pursuant to Streets and Highways Code Section 36533, the Annual Report (attached **Exhibit A**) has been prepared by the Rockridge 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 Rockridge Business Improvement District for fiscal year 2010/11; now therefore be it

RESOLVED: that the Council of the City of Oakland does hereby 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. Pursuant to Streets and Highways Code Section 36535, a Public Hearing was held on February 16, 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 2010/11. The City Council finds that there was no majority protest as defined in the Street 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 2010/11 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 are those specified in the Plan and Annual Assessment Report on file with the City Clerk. For the fiscal year 2010/11 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. 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 City may use the same process and procedures for the collection of delinquent assessments as it uses to collect delinquent business tax billings or such other processes and procedures as are convenient to complete such collection and may reimburse itself out of the proceeds collected for the costs of such collection. 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.

9. Until disbursed, BID assessments will be held in a special trust fund established by the Finance and Management Agency on behalf of the Rockridge Business Improvement District in: Miscellaneous Trusts Fund (7999), Neighborhood Commercial Revitalization & Service Delivery System Organization (88569), Pass Thru Assessments Account (24224), Undetermined Project (0000000), Rockridge Business Improvement District Program (RBID).

10. The City Administrator is hereby authorized to enter into a disbursement agreement with the Rockridge District Association of Oakland to coordinate the collection of the annual assessment through the City's Revenue Division, and to provide for the proper implementation of the Plan.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 16 2010, 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

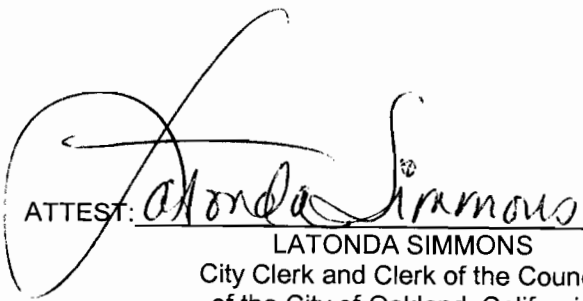
ATTEST: 
 LATONDA SIMMONS
 City Clerk and Clerk of the Council
 of the City of Oakland, California

EXHIBIT A

(To the Resolution to Levy the FY 2010/11 Rockridge BID Assessment)

Rockridge Business Improvement District Annual Report To The City Of Oakland For The Fiscal Year 2009-2010

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 zones 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 2010/11.

Please see the attached budget, which will outline the improvements and activities to be funded and provided in the upcoming fiscal year through February 28, 2011.

III. Estimate of the cost of providing the improvements and activities for fiscal year 2010/11.

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 subclassification for businesses that earn annual gross receipts of \$25,000 or less. Businesses which fall into this subclassification 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 approximately \$63,250 into the 2010/11 fiscal year.

VI. The amount of any contributions to be made from sources other than assessments levied.

The Rockridge District Association will seek funds from corporations for sponsorship of the annual street festival and holiday promotional activities.

VII. Annual Renewal Notice.

“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 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 the annual report to the Council.”
The notice will be given as required by the ordinance.

Please contact Henry C. Levy, Treasurer of the Rockridge District Association, should you have any questions regarding this report.

September 22, 2009

**Rockridge District Association
Proposed Budget Overview
March 1, 2010 - February 28, 2011**

Income

BID Revenues (Estimated)	\$120,000.00	
Prior Year Carryforward	\$63,250.00	
Other Income	\$2,000.00	
Event Income and Sponsorships (Estimated)	<u>\$50,000.00</u>	
Total Income		\$235,250.00

Expense

Organization Committee		
Insurance - E&O, Liability, Work Comp	\$2,000.00	
Board Meeting Expense/Annual Meeting	\$500.00	
Professional Services - Accounting, Legal		
Bookkeeping, Payroll/Tax Preparation	\$4,500.00	
Professional Administration	\$50,000.00	
Postage/Printing/Photocopying	\$1,000.00	
Office Supplies/Storage	\$4,500.00	
Telecommunications	\$2,500.00	
City of Oakland Collection Costs	<u>\$4,000.00</u>	
		\$69,000.00

Marketing and Promotion Committee		
Equipment Rental/Storage	\$1,000.00	
Web Design/Communications/Advertising	\$9,700.00	
Events	\$70,000.00	
Streetscape Amenities	\$9,000.00	
Marketing/Materials	<u>\$6,000.00</u>	
		\$95,700.00

Streetscape and Security Committee		
Security/Public Safety	\$32,050.00	
Street Cleaning	\$31,000.00	
Beautification	<u>\$4,200.00</u>	
		\$67,250.00

Land Use Committee		
Landscape, Public Space, Design	<u>\$750.00</u>	
		\$750.00

Other Expenses		
City of Oakland Loan Payment	<u>\$2,550.00</u>	
		\$2,550.00

Total Expenses		<u>\$235,250.00</u>
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Net Revenue Over Expenses		\$0.00
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