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City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87932 C.M.S.

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**RESOLUTION: 1) APPROVING THE ANNUAL REPORT OF THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD; 2) DECLARING THE INTENTION TO LEVY AND COLLECT AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2020-2021 FOR THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT; AND 3) SCHEDULING A PUBLIC HEARING FOR DECEMBER 10, 2019**

**WHEREAS**, the State of California allows for the formation of business assessment districts under Street and Highways Code Section 36500 *et seq.*; 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**, the Rockridge Business Improvement District was established by the City Council on November 28, 2000, pursuant to Ordinance 12301 C.M.S (as amended by Ordinance No. 13261 on October 21, 2014); and

**WHEREAS**, Streets and Highways Code Sections 36533 and 36534 require that before the next annual assessment for the Rockridge Business Improvement District is levied, the City Council must: (1) approve the District's Annual Report, and (2) approve a Resolution of Intention that declares the City's intention to collect the assessments, and schedules a public hearing to be held about the levy of the proposed assessment; and

**WHEREAS**, pursuant to said law, the Rockridge Business Improvement District Advisory Board has prepared and filed with the City Clerk, the Annual Assessment Report (attached hereto as **Exhibit A**) ("Report"), which contains the required particulars including a detailed description of the improvements and activities to be

provided for the 2020-2021 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 2020-2021 fiscal year; and

**WHEREAS**, if the District's proposed assessments for fiscal year (FY) 2020-2021 are approved and levied, they will be held (until disbursed) in a special trust fund established by the Finance Management Bureau on behalf of the District in Miscellaneous Trusts Fund (7999)/NCR & SDS Org (85411)/Pass Thru Assessments Account (24224)/Administrative Project (1000019)/Rockridge BID Program (RBID); now therefore be it

**RESOLVED**: that the Council of the City of Oakland does hereby approve the Fiscal Year 2019-2020 Annual Assessment Report for the Rockridge Business Improvement District; and be it

**FURTHER RESOLVED**: That the City Council does find and state its intention as follows:

1. Pursuant to Streets and Highways Code Section 36534, the City Council declares its intention to levy and collect the assessments for FY 2020-2021 as provided for in the said 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.
2. The location and 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.
3. The types of the improvements and activities proposed to be funded by the levy of FY 2020-2021 assessments on businesses in the area are those 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.
4. The proposed method and basis of calculating 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 2020-2021 assessment, a sub-classification of businesses that earn annual gross receipts of \$25,000 or less is proposed to be created with a reduced fee for that assessment year of \$60 (instead of the \$120 fee). 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.

; and be it

**FURTHER RESOLVED**: That a Public Hearing is hereby set for December 10, 2019 at 6:00 p.m. in Oakland City Hall, or as soon thereafter as the matter may be heard, to hear all public comments, protests, and to take final action as to the levying of the proposed assessments for the District for the fiscal year 2020-2021; and be it

**FURTHER RESOLVED:** That pursuant to Streets and Highways Code section 36534(b), 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 not less than seven days before the Public Hearing; and be it

**FURTHER RESOLVED:** That 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 in the form and manner provided by Sections 36524 and 36525 of the Streets and Highways Code as follows:

1. 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.
2. 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.
3. 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.
4. A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.
5. If written protests are received from the owners of businesses in the District who 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 19 2019**

PASSED BY THE FOLLOWING VOTE:

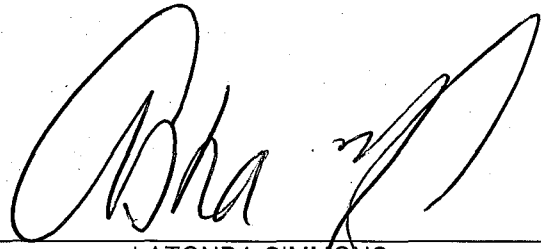
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN ← 8

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 of Intention to Levy the FY 2020-2021 Rockridge BID Assessment)

**Fiscal Year 2019-2020 Rockridge Business Improvement District  
Annual Report To The City Of Oakland  
Relating to the Fiscal Year 2020-2021 Assessment**

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 2020-2021**

Please see attached Accomplishments for this year to date. We plan to continue on the same course. Program categories are outlined in the attached FY 2020-2021 budget.

**III. Estimate of the cost of providing the improvements and activities for fiscal year 2020-2021**

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.**

We estimate a total carryforward of \$15,000. Our fiscal year ends on 2/28. The first disbursement of assessments occurs on 4/30. Therefore, \$15,000 will be carried forward to cover recurring expenses for March and April.

Additionally, the RDA has expenses that do not recur on an annual basis. Examples are Tree Trimming, Surveillance Cameras, Banners, Signage. These items will recur every 3-5 years; therefore, an additional \$50,000 will be carried forward and allocated to a Capital Projects line item under the Streetscape and Security program category to cover these and similar expenditures.

**VII. Annual Renewal Notice.**

Starting in 2014 the notice has to be sent every five years.

The notice was sent again in 2018 as the last notice was sent in 2013. Section 12 of the amended Ordinance 12301 C.M.S. now states:

The Governing Council (Advisory Board) of the Rockridge BID shall annually 45 days before the anniversary of the establishment of Rockridge Business Improvement District Ordinance give the assessees of the District written notice of their rights to seek disestablishment of the district and the process therefore. Commencing with the year 2014, said notice shall no longer be required annually, but shall be given once every five years, with the next notice to be sent 45 days before the District's formation anniversary in the year 2018. In their annual report to Council, the Advisory Board shall report that they have provided this notice.

Please contact Anthony Barr, Treasurer of the Rockridge Business Improvement District, should you have any questions regarding this report.

September 3, 2019

**RDA, a Rockridge Business Improvement District**  
**Proposed Budget**  
**March 2020 to February 2021**

**Income**

|                               |                  |
|-------------------------------|------------------|
| Gross BID Revenue             | \$158,400        |
| Capital Projects Carryforward | <u>\$50,000</u>  |
| March/April Carryforward      | <u>\$15,000</u>  |
| <b>Total Income</b>           | <b>\$223,400</b> |

**Expense**

|  |                  |
|--|------------------|
| <b>Organization</b>  | \$77,000         |
| City of Oakland- Collection Cost                               | \$2,400          |
| City of Oakland- Noticing                                      | \$1,100          |
| <br><b>Marketing &amp; Promotion</b>                           | <br>\$37,900     |
| <br><b>Streetscape &amp; Security</b>                          | <br>\$40,000     |
| <b>Capital Projects</b>  | <u>\$50,000</u>  |
| <b>Reserves (needed to cover March/April expenses in 2021)</b> | <u>\$15,000</u>  |
| <b>Total Expense</b>   | <b>\$223,400</b> |