



OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION: 1) CONFIRMING THE ANNUAL REPORT OF THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD; AND 2) LEVYING THE ANNUAL ASSESSMENT FOR THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2021-2022

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 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 special benefit 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, On November 27, 2001 the City Council adopted Ordinance No. 12378, which established the Montclair Business Improvement District and approved the District Plan; and

WHEREAS, pursuant to Streets and Highways Code Section 36533, the Montclair 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 2021-2022 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 2021-2022 fiscal year; and

WHEREAS, on November 10, 2020, the City Council Adopted a Resolution of Intention to levy the fiscal year 2021-2022 assessment, approve the district's annual report, and schedule a related public hearing for December 1, 2020, pursuant to Streets & Highways Code section 36534; and

WHEREAS, written notice of the December 1, 2020 public hearing was published in the newspaper in compliance with Streets and Highways Code section 36534(b); and

WHEREAS, if the District's proposed assessments for FY 2021-2022 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)/Economic Development Org (85411)/Pass Through Assessments Account (24224)/ Administrative Project (1000019)/Montclair BID Program (MBID); and

WHEREAS, the Montclair Village Association is the nonprofit corporation that administers the Montclair Business Improvement District and oversees the disbursement of funds, pursuant to the Plan and the disbursement agreement between the City and Montclair Village Association; and

WHEREAS, the funds that are levied and held by the City will be disbursed to the Montclair Village Association pursuant to the disbursement agreement, which renews annually contingent upon the annual review and approval of the District's Annual Report and the levy of the annual assessments; now therefore be it

RESOLVED: that the Council of the City of Oakland does hereby find and determine 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 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 December 1, 2020, 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 2021-2022. 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 Assessment Report of the Advisory Board and does hereby levy and direct the collection of the assessments for the 2021-2022 fiscal year as provided for in the Annual Assessment Report in accordance with the assessment formula as provided for in the Plan and Annual Assessment Report.
5. 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.
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, but is not obligated to, 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 described in the Plan and the Annual Assessment 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 City on behalf of the Montclair Business Improvement District in:
Miscellaneous Trusts Fund (7999), Economic Development Organization (85411),
Pass Through Assessments Account (24224), Administrative Project (1000019),
Montclair Business Improvement District Program (MBID).

; and be it

FURTHER RESOLVED: That the agreement between City and Montclair Village Association for the administration of the District and disbursement of funds is hereby renewed, and the City Administrator is hereby authorized to make amendments if necessary pursuant to State of California Streets and Highways Code Section 36500 *et seq.*

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IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2020.

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION

ATTEST: _____
ASHA REED
Acting City Clerk and Clerk of the Council
of the City of Oakland, California