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OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

RESOLUTION 85551 C.M.S.

RESOLUTION OF INTENTION TO FORM THE LAUREL BUSINESS IMPROVEMENT DISTRICT 2016 ("LAUREL BID 2016"); GRANTING PRELIMINARY APPROVAL OF THE LAUREL BID 2016 MANAGEMENT PLAN 2016; DIRECTING FILING OF THE PROPOSED LAUREL BID 2016 ASSESSMENT DISTRICT BOUNDARY DESCRIPTION; DIRECTING DISTRIBUTION OF A BALLOT TO ALL AFFECTED PROPERTY OWNERS WHEREBY THEY CAN VOTE "IN FAVOR OF" OR "AGAINST" THE PROPOSED LAUREL BID 2016 AND ASSESSMENT TO DETERMINE WHETHER A MAJORITY PROTEST EXISTS; AND SCHEDULING A PUBLIC HEARING FOR JULY 7, 2015

WHEREAS, the City Council of the City of Oakland enacted the City of Oakland Business Improvement Management District Ordinance (Chapter 4.48, Ordinance 12190 of 1999, hereinafter "BIMD Ordinance") establishing the procedures for the formation of business improvement management districts; 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 and property owners in the City to assist in the formation of such districts; and

WHEREAS, the property owners in the Laurel district previously petitioned for the creation of the Laurel Property Business Improvement District of 2005 (hereinafter "Laurel 2005"), and said Laurel 2005 and corresponding assessments were approved by the Oakland City Council through Resolution No. 79380, dated July 19, 2005; and

WHEREAS, the Laurel 2005 will reach the end of its maximum 10 year existence by the end of 2015, as authorized by Oakland Municipal Code Chapter 4.48; and

WHEREAS, the property owners in the Laurel district have duly petitioned to form the Laurel Business Improvement District 2016 ("Laurel BID 2016") under the BIMD Ordinance, and have proposed the Laurel BID 2016 Management Plan (Laurel BID 2016 Plan) for the operation of the Laurel BID 2016, attached hereto and incorporated by reference as *Exhibit A* hereto ("Laurel BID 2016 Plan"); and

WHEREAS, the Laurel BID 2016 Plan contains a detailed engineer's report prepared by a registered professional engineer recognized by the State of California (see *Attachment A* of *Exhibit A* to this Resolution of Intention) ("Engineer's Report"); and

WHEREAS, the Laurel BID 2016 Plan was prepared in accordance with the provisions of Article XIII of the California Constitution, and has been filed with the City Clerk for proceedings in formation of this district; and

WHEREAS, the Laurel BID 2016 Plan, incorporated by this reference, provides for enhanced cleaning, marketing, and promotional activities and improvements of particular benefit to the properties located within the proposed Laurel BID 2016 (as more specifically identified in the Laurel BID 2016 Plan); and

WHEREAS, the Laurel BID 2016 Plan was prepared in accord with the provisions of the BIMD Ordinance overseeing the formation of the Laurel BID 2016 as referenced above, and has been filed with the City Clerk for proceedings in formation of this Laurel BID 2016; now, therefore be it

RESOLVED, that the City Council of the City of Oakland finds that the Laurel BID 2016 Plan satisfies all the requirements of the BIMD Ordinance, the laws of the State of California and the California Constitution with regard to the formation of business improvement management districts, and does hereby resolve, find, determine and give notice as follows:

1. The Preliminary Report of the City Clerk was filed on April 17, 2015 which describes the matters required by the BIMD Ordinance.
2. A business improvement management district is proposed to be established pursuant to the BIMD Ordinance with the boundaries as specified in the Laurel BID 2016 Plan.
3. A copy of the preliminary report of the City Clerk is on file in the office of the City Clerk relating to the formation of the Laurel BID 2016.
4. The Laurel BID 2016 Plan is preliminarily approved and the assessments for the first year shall be as provided for in the Laurel BID 2016 Plan if the Laurel BID 2016 is established.
5. The District shall be a business improvement management district, and the name of the District shall be the "Laurel Business Improvement District 2016".
6. The reasons for the assessments and the types of the improvements and activities proposed to be funded and acquired by the levy of assessments on property in the Laurel BID 2016 and the time period for which the proposed improvements are to be made are those specified in Section 3 of the Laurel BID 2016 Plan.
7. Except where funds are otherwise available, an assessment will be levied annually to pay for all improvements and activities within the Laurel BID 2016.

8. No fiscal impact is anticipated to the City. The Laurel BID 2016 if approved will be a self-funded and self-administered entity. Until disbursed, Laurel BID 2016 assessments will be held in a special trust fund established on behalf of the district in Miscellaneous Trusts Fund (7999)/Treasury: Operations Org (08721)/Pass Thru Assessments Account (24224)/Undetermined Project (0000000)/Laurel BID Program (BIDL).
9. The boundaries of the Laurel BID 2016 are described and delineated in Section 2 of the Laurel BID 2016 Plan, including a map outlining each affected lot.
10. The proposed method and basis of calculating the assessments to be levied against each property in the Laurel BID 2016 is set forth in Section 4 of the Laurel BID 2016 Plan, summarized as follows: for parcels other than residential condominiums - the assessments will be based on the gross lot size, building square footage and linear street frontage of each parcel located within the Laurel BID 2016. For residential condominiums - the assessment will be levied based upon the floor area of each condominium parcel. The amount of first-year assessments proposed for each property is contained in Section 7 of, and also in Attachment A (Engineer's Report) to, the Laurel BID 2016 Plan.
11. The assessments for the entire Laurel BID 2016 equal \$182,390 for the first year of the Laurel BID 2016 and the amount chargeable to each parcel are as shown in Section 7 of and in Attachment A to the Laurel BID 2016 Plan.
12. The Laurel BID 2016 shall be in existence for a period of ten (10) years (as provided for in the Laurel BID 2016 Plan) during which a maximum 5% increase per year in the amount of the assessment on each property shall be allowable as provided for in the Laurel BID 2016 Plan.
13. The assessment shall be attached to the property and collected with the annual county property taxes, and in certain cases through a special municipal billing, and shall continue annually as provided for in the Laurel BID 2016 Plan for each year that the Laurel BID 2016 is in existence unless modified by the City Council on the recommendation of the Laurel BID 2016 Advisory Board.
14. The City Clerk is directed to mail a copy of the Resolution of Intention to form the Laurel BID 2016 along with the ballots (see *Exhibit B* hereto) for the written protest procedure to all affected property owners in the Laurel BID 2016 in compliance with the BIMD Ordinance and Article XIII of the California Constitution and to each local Chamber of Commerce and business organization known to be located within the Laurel BID 2016, give all other notices and take all other actions required by law, and give notice of the dates of the Public Hearing and Final Action on the Petition for Formation of the Laurel BID 2016 to all affected property owners in the proposed Laurel BID 2016 not less than forty-five (45) days before the scheduled public hearing, and also publish the Resolution of Intention in a newspaper of general circulation in the City of Oakland once, at least seven (7) days before the public hearing.

The ballots mailed to the affected property owners shall contain the procedures for the completion and return of the ballots.

15. A Public Hearing is set for July 7, 2015, (at 6:30 P.M. in the City Council Chambers in City Hall, located at 1 Frank H. Ogawa Plaza, Oakland California), and as may be continued by the City Council, to hear public testimony and protests, to complete the counting of the returned ballots as to the formation of the District, and to take final action as to the formation of the District.
16. At the Public Hearing, the testimony of interested persons for or against the establishment of the Laurel BID 2016, the proposed assessment, the boundaries of the Laurel BID 2016, or the furnishing of the specified types of improvements or activities will be heard.
17. Filing of Protests
 - a) A protest may be made in writing by any interested person through the ballot procedure. The procedures applicable to the completion and return of the ballots are as specified in the ballot, a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference. 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.
 - b) Every written protest shall be filed with the City 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.
 - c) Each written protest shall contain a description of the property in which the person subscribing the protest is interested sufficient to identify the property and, if a person subscribing is not shown on the official records of the City as the owner of the property, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the property.
 - d) A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.

18. Tabulation of Ballots - After the close of the Public Hearing, tabulation of the ballots will be completed under the direction of the City Clerk and the results of the tabulation will be reported to the City Council. If there is a majority protest, the assessment will not be imposed. A majority protests exists if, upon the conclusion of the Public Hearing, ballots submitted in opposition to the Laurel BID 2016 and corresponding assessment exceed the ballots submitted in favor of the Laurel BID 2016 and corresponding assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation upon the affected property.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 11 2015

PASSED BY THE FOLLOWING VOTE:

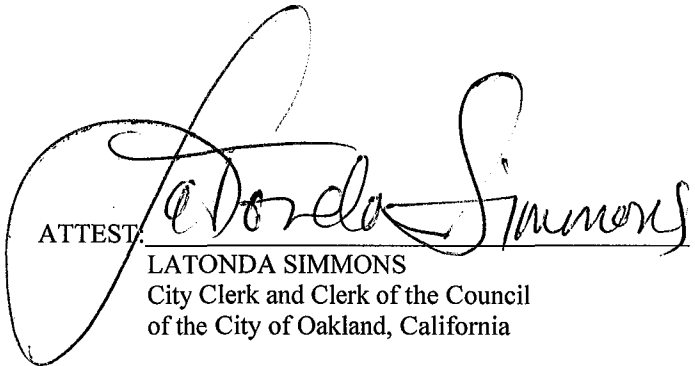
AYES- ~~BRUNSON~~, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~KELLY~~, and PRESIDENT GIBSON MC ELHANEY -6

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- Brooks, Reid - 2

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