

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

---

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 4.48 BUSINESS IMPROVEMENT MANAGEMENT DISTRICTS SECTION 4.48.080 TO INCREASE THE MAXIMUM TERM LENGTH FOR BUSINESS IMPROVEMENT MANAGEMENT DISTRICTS FROM TEN (10) TO TWENTY (20) YEARS**

**WHEREAS**, by Ordinance 12190 C.M.S., the City of Oakland (City) enacted Municipal Code (OMC) Chapter 4.48, which provides for the formation of business improvement management districts (BIMD) to promote the health and quality of life of its residents and visitors; and

**WHEREAS**, section 4.48.080 of the OMC sets forth the contents of the Resolution of Intention (ROI) that the City Council must pass in order to establish a BIMD; the ROI, among other things, must state the term of the BIMD, which shall not exceed ten years, during which the proposed improvements are to be made; and

**WHEREAS**, many other cities in California have adopted increased maximum terms above ten (10) years; and

**WHEREAS**, a longer management term would give each individual BIMD the flexibility to choose a term length that aligns with its unique needs and circumstances, provide increased stability and predictability, reduce renewal costs, and broaden eligibility for financing infrastructure projects, empowering BIMDs to more effectively serve their communities and facilitate smoother operations; and

**WHEREAS**, OMC section 4.48.220 provides that any BIMD may be disestablished by resolution of the City Council in either of the following circumstances:

- 1) If the City Council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

- 2) During the operation of the district, there shall be a thirty (30) day period each year in which the assessed property owners may request disestablishment of the district; and

**WHEREAS**, the Oakland City Council desires to amend OMC Chapter 4.48 section 4.48.080 in order to increase the possible term of BIMDs to twenty (20) years; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.**

Chapter 4.48.080 of the Oakland Municipal Code is amended to read as follows. Insertions are designated by underscoring text, and deletions are indicated by ~~striking through~~ text. Omitted text in Chapter 4.48 remains unchanged by this Ordinance:

**4.48.080 - Resolution of intention—Contents.**

Before the City Council can establish a BIMD pursuant to this Chapter, the City Council shall pass a resolution declaring its intention to do so. Such resolution, in addition to all other matters it is herein required to contain, shall briefly describe the proposed improvements, state the period of time, which shall not exceed ~~ten~~ twenty years, for which the proposed improvements are to be made, and contain a description of the district to be benefited thereby and to be assessed to pay the costs and expenses thereof. The resolution of intention shall further do all of the following:

- A. State that a BIMD is proposed to be established pursuant to this Chapter and describe the boundaries of the proposed district and boundaries of each separate benefit zone to be established within the district. The boundaries may be described by reference to the map and description contained in the preliminary report of the City Administrator on file in the office of the City Clerk;
- B. State the name of the proposed district;
- C. State the type or types of improvements and activities proposed to be funded by the levy of assessments on property owners within the district, including any improvements to be acquired;
- D. State the amount of the proposed assessment for the entire district, the amount chargeable to the owner's particular parcel, the duration of the payments, the reason for such assessment and the basis upon which the proposed assessment was calculated;
- E. State the date, time and location of a public hearing on the proposed assessment;
- F. Include a ballot as described in Section 4.48.070.E;

- G. State, in a conspicuous place, a summary of the procedures applicable to the completion, return and tabulation of the ballots, including a disclosure statement that the existence of a majority protest will result in the assessment not being imposed;
- H. State that the public hearing the testimony of all interested persons for or against the establishment of the district, the boundaries of the district, or the furnishing of specified types of improvements or activities will be heard;
- I. Refer to the preliminary report of the City Administrator on file in the office of the City Clerk;
- J. State the manner of collection of the assessment.

**SECTION 2. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 3. Effective Date.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

Date of Attestation: \_\_\_\_\_

## **NOTICE AND DIGEST**

### **ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 4.48 BUSINESS IMPROVEMENT MANAGEMENT DISTRICTS SECTION 4.48.080 TO INCREASE THE MAXIMUM TERM LENGTH FOR BUSINESS IMPROVEMENT MANAGEMENT DISTRICTS FROM TEN (10) TO TWENTY (20) YEARS**

This Ordinance will amend section 4.48.080 of the Oakland Municipal Code to increase the maximum term length for business improvement management districts from ten (10) years to twenty (20).