

14 SEP -4 PM 2:18 OAKLAND CITY COUNCIL

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

INTRODUCED BY COUNCIL MEMBER KALB

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**AN ORDINANCE AMENDING SECTION 12 OF ORDINANCE 12301 C.M.S. (THAT ESTABLISHED THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT, GRANTED APPROVAL OF THE MANAGEMENT PLAN FOR THE DISTRICT, APPROVED THE ASSESSMENT DISTRICT BOUNDARY DESCRIPTION, AND APPROVED THE PROPOSED ASSESSMENT TO THE AFFECTED BUSINESSES), THEREBY MODIFYING THE REQUIREMENT THAT THE ADVISORY BOARD GIVE NOTICE OF THE RIGHT TO SEEK DISESTABLISHMENT OF THE DISTRICT TO ONCE EVERY FIVE YEARS STARTING FROM THE EFFECTIVE DATE OF THIS ORDINANCE**

**WHEREAS**, on November 28, 2000, pursuant to Streets and Highways Code section 36500 et seq, the Oakland City Council passed Ordinance 12301 C.M.S. establishing the Rockridge Business Improvement District; and

**WHEREAS**, Section 12 of Ordinance 12301 C.M.S. requires The Governing Council (Advisory Board) of the Rockridge Business Improvement District annually, 45 days before the anniversary of the establishment of the Rockridge Business Improvement Management District Ordinance, to give the assessees of the District written notice of their rights to disestablish the district and the process therefore, (which is not required by state law); and

**WHEREAS**, Being the first Business Improvement District (BID) that was established in Oakland in 2000, the requirement to give annual notice of the right to seek disestablishment was initially useful to help the business members understand that if the BID was not successful, the assessment could be suspended for the upcoming year through a weighted majority request; and

**WHEREAS**, Currently there are ten Business Improvement Districts in Oakland and Rockridge Business Improvement District is the only Business Improvement District in Oakland that has a special disestablishment noticing requirement; and

**WHEREAS**, Requirements in Section 12 of Ordinance 12301 C.M.S. put excessive administrative and financial burden on volunteer board members of Rockridge District Association of Oakland; and

**WHEREAS**, City Council wishes to amend Section 12 of Ordinance 12301 C.M.S. to modify the annual notice of disestablishment requirement to once every five years

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

**SECTION 1.** Section 12 of Ordinance No. 12301 C.M.S. is hereby amended as indicated below. Additions are indicated by underscored type, and deletions are indicated by ~~strikethrough~~ type:

**Section 12, Governing Council to Give Notice of Right to Seek Disestablishment.**

The Governing Council (Advisory Board) of the Rockridge Business Improvement District shall annually 45 days before the anniversary of the establishment of the Rockridge Business Improvement Management District Ordinance give the assesses 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 2017.~~and In their annual report to Council, the Advisory Board shall report that they have provided this notice. done so each year in their annual report to Council~~

**SECTION 2.** The recitals contained in this Ordinance are true and correct and are an integral part of the Council's decision, and are hereby adopted as findings.

**SECTION 3.** This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter if adopted by at least six members of the City Council, or upon the seventh day after final adoption if adopted by fewer votes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

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

**NOTICE AND DIGEST**

**AN ORDINANCE AMENDING SECTION 12 OF ORDINANCE 12301 C.M.S. (THAT ESTABLISHED THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT), THEREBY MODIFYING THE REQUIREMENT THAT THE ADVISORY BOARD GIVE ANNUAL NOTICE OF THE RIGHT TO SEEK DISESTABLISHMENT OF THE DISTRICT, TO ONCE EACH FIVE-YEARS**

**NOTICE AND DIGEST**

This Ordinance repeals Section 12 of Oakland City Council Ordinance 12301 C.M.S. (that established the Rockridge Business Improvement District), thereby modifying the requirement that the Advisory Board annually publish notice of the right to seek disestablishment of the District, to once each five years.