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OFFICE OF THE CITY CLERK
OAKLAND
2008 DEC 19 PM 12:33

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: January 6, 2009

RE: **A Public Hearing And The Adoption Of A Resolution Confirming The Annual Report Of The Montclair Business Improvement District Advisory Board And Levying The Annual Assessment For The Montclair Business Improvement District For Fiscal Year 2009/10**

SUMMARY

A resolution to confirm the annual report of the Montclair Business Improvement District advisory board and to levy the annual assessment for fiscal year 2009/10 for the Montclair Business Improvement District (BID) has been prepared pursuant to Streets and Highways Code Section 36500 et seq. and the City of Oakland's Neighborhood Business Improvement District (NBID) Program.

To authorize the district to collect assessments for the upcoming fiscal year the City Council must adopt the attached resolution. Assessment funds will be used to pay for economic development and beautification activities outlined in the district management plan on file with the Office of the City Clerk and the annual report submitted by the Montclair BID advisory board (*Exhibit A* to the attached resolution).

A public hearing and majority protest procedure must precede the City Council's consideration of the attached resolution. A majority protest exists if owners of affected businesses which will pay fifty percent (50%) or more of the proposed assessments to be levied submit qualifying written protests on or before the public hearing date of January 6, 2009, for this matter.

If no majority protest exists, then City Council may adopt the above resolution. If, however, a majority protest exists, then City Council cannot adopt the resolution to levy the FY 2009/10 assessments for the Montclair BID and no further proceedings to levy the proposed assessment shall be taken for a period of one year.

FISCAL IMPACTS

The Montclair Business Improvement District is a self-funded, self-administered entity.

If the FY 2009/10 levy is approved, the Revenue Division of the Finance and Management Agency (FMA) will collect the assessment at the same time as annual business taxes and will remit the amount collected minus the City's expenses of collection to designated BID administrators.

Item: _____
City Council
January 6, 2009

Until disbursed, BID assessments will be held in a special trust fund established by the FMA on behalf of the Montclair BID in Miscellaneous Trusts Fund (7999), Neighborhood Commercial Revitalization & Service Delivery System Organization (88569), Pass Thru Assessments Account (24224), Undetermined Project (0000000), Montclair BID Program (MBID).

BACKGROUND

On November 9, 1999, the City Council approved Resolution No. 75323 C.M.S. which initiated a City of Oakland Neighborhood Business Improvement District (NBID) Program. This program is authorized by Section 36500 of the California Streets and Highway Code which allows for the establishment of local business improvement districts throughout the state.

Pursuant to the above legislation Ordinance No. 12378 was passed by City Council on November 27, 2001, to establish the Montclair BID. Subsequently, a resolution was adopted on December 9, 2008, which stated City Council's intent to levy a FY 2009/10 assessment for the district and approve the district's annual report, and scheduled a related public hearing for January 6, 2009.

The BID model for economic development is also being used in the Fruitvale (established 2001 and renewed 2006), Montclair (established 2001), Lakeshore/Lake Park (established 2002), Temescal (established 2004), Laurel (established 2005), Koreatown/Northgate (established 2007), Lake Merritt/Uptown (established 2008), and the Downtown Oakland (established 2008) districts.

BIDs seek to create both a stable cash flow and to incorporate all of the members of a business community into a productive and proactive entity representing the interests of that community.

Revenues generated by BIDs are applied to a variety of local improvements and services beyond those already provided by existing municipal services. Examples of BID-funded services include, but are not limited to, enhanced maintenance services, security, marketing and promotions, special events, parking and transportation services, economic development activities, capital improvements, and human services. These types of enhanced services lead to increased property, sales and business tax revenues as well as increased job opportunities and the improved economic development of commercial neighborhoods.

KEY ISSUES AND IMPACTS

There is no anticipated adverse impact associated with the authorization to levy FY 2009/10 assessments for Montclair BID.

In terms of positive impacts, authorizing the continued collection of assessments for the district will provide the Montclair BID an ongoing private funding source for enhanced safety and security, beautified physical appearance, and organized economic development and marketing activities within the district. This model for economic development has been successfully used in other commercial neighborhoods throughout the country. Accordingly, reauthorization of assessments for

the Montclair BID will enable the district to continue serving as an effective self-help model for other Oakland business districts.

PROGRAM DESCRIPTION

The Montclair BID encompasses approximately 238 businesses located in and around the Montclair commercial area and estimates a fiscal year 2009/10 budget of approximately \$120,700 of which \$99,000 represents BID assessments to be collected.

If the City Council approves the FY 2009/10 levy for the Montclair BID, assessments of \$60 to \$2,500 per year per business license will be collected based on business classification and level of annual gross receipts, calculated in accordance with an approved assessment methodology table contained in the district's management plan on file with the Office of the City Clerk.

Key aspects of the district's BID service program include, but are not limited to, additional security; sidewalk and gutter cleaning; litter removal; a business directory; district banners; special events such as the Montclair Holiday Stroll, and the Montclair Farmer's Market; holiday decorations; and web page design.

The attached annual report indicates no changes in the boundaries of the business improvement district or in any benefit zones in the area. There is also no change in the original method and basis of levying the assessment.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed levy will fund activities which are intended to support the eventual increase of property, sales, and business tax revenues as well as increased job opportunities and economic development of the Montclair commercial district.

Environmental: The proposed levy will enable the Montclair BID to continue its efforts to strengthen and beautify the physical image of the existing neighborhood commercial area through the use of enhanced sidewalk and street cleaning and maintenance. Attractive new banners, directional signage and holiday decorations will also uplift and unify the district's appearance.

Social Equity: BIDs incorporate all members of a business community into a productive and proactive entity representing the interests of that community. Administration of the cash flow generated by the district itself contributes to local merchant self-empowerment and provides enhanced services for the overall physical and economic betterment of the district.

DISABILITY AND SENIOR ACCESS

The reauthorization of assessments for the BID has no direct implications for disability and senior access. However, the BID's efforts toward revitalization may encourage businesses to continue to abide by applicable state, federal and local codes and legislation regarding disability and senior

access. Improved public safety and security provided by the BID could also serve to make the area safer and more accessible to all visitors, including senior citizens and disabled persons.

RECOMMENDATION(S) AND RATIONALE

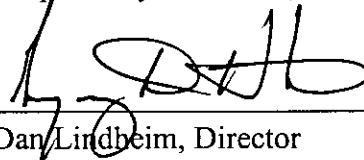
Staff recommends that the City Council adopt the resolution confirming the annual report of the Montclair BID advisory board and levying the annual assessment for the Montclair BID for fiscal year 2009/10.

Adoption of the attached resolution will support the continuance of the Montclair BID and its planned activities which have been approved by City Council. Such business improvement districts represent a proactive effort on the part of neighborhood business owners to improve the conditions and image of their area and to assist in the economic revitalization and physical maintenance of their respective commercial corridors.

ACTION REQUESTED OF THE CITY COUNCIL

The action requested of the City Council is to adopt the resolution confirming the annual report of the Montclair BID advisory board and levying the annual assessment for the Montclair BID for fiscal year 2009/10.

Respectfully submitted,



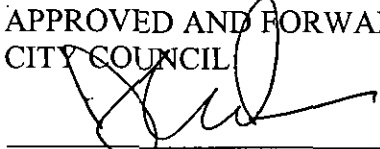
Dan Lindheim, Director
Community and Economic Development Agency

Reviewed by:
Gregory Hunter, Deputy Director
Economic Development and Redevelopment

Aliza Gallo, Coordinator
Economic Development/Business Development Services

Prepared by:
Maria Rocha, Urban Economic Analyst
Economic Development/Business Development Services

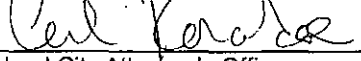
APPROVED AND FORWARDED TO THE
CITY COUNCIL



Office of the City Administrator

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 DEC 19 PM 12:33

Approved as to form and legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION CONFIRMING THE ANNUAL REPORT OF THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND LEVYING THE ANNUAL ASSESSMENT FOR THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2009/10

WHEREAS, the State of California allows for the formation of business assessment districts under Street and Highways Code Section 36500 et seq.[Senate Bill 1424]; 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 owners in the City to assist in the formation of such districts; 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 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, the Plan was prepared in accord with the provisions of the law overseeing the formation of the District as referenced above, and has been filed with the City; and

WHEREAS, pursuant to the requirements of the law the Montclair Business Improvement District was established by the City Council on November 27, 2001 pursuant to Ordinance No. 12378; and

WHEREAS, the Annual Report (attached **Exhibit A**) has been prepared by the Montclair Business Improvement District Advisory Board and filed with the City Clerk, and the City Council desires to confirm the Report, and levy the annual assessment for the Montclair Business Improvement District for fiscal year 2009/10; 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. A Public Hearing was held on January 6, 2009, 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 2009/10. 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 Report of the Advisory Board and does hereby levy and direct the collection of the assessments for the 2009/10 fiscal year as provided for in the Annual Report in accordance with the assessment formula as provided for in the Plan and Annual Report.
5. The proposed method and basis of levying 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 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 specified above in this Resolution and more specifically as described in the Plan and the Annual 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 Finance and Management Agency on behalf of the Montclair Business Improvement District in: Miscellaneous Trusts Fund (7999), Neighborhood Commercial Revitalization & Service Delivery System Organization (88569), Pass Thru Assessments Account (24224), Undetermined Project (0000000), Montclair Business Improvement District Program (MBID).

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

EXHIBIT A

(to the Resolution Levying the FY 2009/10 Montclair BID assessment)



**ANNUAL REPORT TO THE OAKLAND CITY COUNCIL
RELATED TO THE SEVENTH YEAR OF THE MONTCLAIR B.I.D.**

Section 36533

(b)(1)

There are no proposed changes in the boundaries of the parking and business improvement area or in any benefit zones in the area.

(b)(2)

Please see the attached budget which will outline the improvements and activities to be funded and provided in the year ending December 31, 2009.

(b)(3)

Please see attached budget.

(b)(4)

The method and basis of levying the assessment has not changed from the adoption of the original ordinance.

(b)(5)

There are no anticipated surplus or deficit funds to be carried over. All funds anticipated with the exception of non B.I.D. revenues have been accounted for.

(b)(6)

Other than assets levied, funds have been generated from Pacific fine Arts Festivals, and management of the Montclair Parking Garage.

Dan Shea

President, Montclair Village Association

2009 BID Budget for Montclair Village Association (B.I.D.)

Income	Budget	
BID Revenues	\$ 99,900.00	
Art Festivals	\$ 10,000.00	
Garage Management	\$ 10,800.00	
Total Projected Income		\$ 120,700.00
Expenses		
Beautification		
Landscaping	\$ 14,400.00	
Maintenance	\$ 20,000.00	
Streetscape	\$ 2,500.00	
Beautification Subtotal	\$ 36,900.00	
Economic Restructuring		
Safety	\$ 350.00	
Security	\$ 24,000.00	
Economic Restructuring	\$ 24,350.00	
Organization		
Accountant	\$ 500.00	
Insurance	\$ 2,000.00	
Meetings	\$ 500.00	
Postage	\$ 1,000.00	
Rent	\$ 4,500.00	
Staff	\$ 28,500.00	
Supplies/Equipment	\$ 2,500.00	
Taxes	\$ 100.00	
Utilities	\$ 1,000.00	
Organization Subtotal	\$ 40,600.00	
Other		
City Collection Fee	\$ 2,500.00	
City Loan Payment	\$ 3,200.00	
Other Subtotal	\$ 5,700.00	
Promotions		
Advertising	\$ 250.00	
Art Festivals	\$ 200.00	
Banners	\$ 5,000.00	
Directory	\$ 2,500.00	
Farmer's Market	\$ 1,200.00	
Holiday Stroll	\$ 1,500.00	
Map Signage	\$ 500.00	
Web site	\$2,000.00	
Promotions Subtotal	\$ 13,150.00	
Total Projected Expenses		\$ 120,700.00
Net		\$ -