

OFFICE OF THE CITY CLERK

Approved as to form and legality
Oakland City Attorney's Office

2006 OCT 19 PM 3:09

OAKLAND CITY COUNCIL

80244

RESOLUTION NO. _____ C.M.S.

RESOLUTION CONFIRMING THE ANNUAL REPORT OF THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND LEVYING THE ANNUAL ASSESSMENT FOR THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2007/08

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 Rockridge business district petitioned to form the Rockridge 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, crime prevention, beautification, sidewalk sweeping, 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 Rockridge Business Improvement District was established by the City Council on December 12, 2000 pursuant to Ordinance Number 12301; and

WHEREAS, the Annual Report (attached Exhibit A) has been prepared by the Rockridge 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

Rockridge Business Improvement District for fiscal year 2007/08;
and

WHEREAS, Until disbursed, BID assessments will be held in a special trust fund established by the Finance and Management Agency on behalf of the Rockridge Business Improvement District in Miscellaneous Trusts Fund (7999), Neighborhood Commercial Revitalization & Service Delivery System Organization (88569), Pass Thru Assessments Account (24224), Undetermined Project (0000000); now therefore be it

RESOLVED: that the Council of the City of Oakland does hereby find and determine as follows:

1. The Rockridge Business Improvement District was established in the Rockridge 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 October 31, 2006 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 2007/08. 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 2007/08 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 have not been changed and are those specified in the Plan and Annual Report on file with the City Clerk. For the fiscal year 2007/08 assessment a sub-classification of businesses that earn annual gross receipts of \$25,000 or less is created with a temporarily reduced fee for that assessment year of \$60. Such sub-classification is temporarily created to reduce the number and expense of processing hardship partial fee waiver requests, and the reduced fee amount shall not apply to future assessment years unless renewed in the annual assessment resolution for such future years.
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.

OCT 31 2006

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

AYES- ~~BRUNNER~~, BRUNNER, ~~CHANG~~, KERHIGHAN, NADEL, ~~REID~~, and PRESIDENT DE LA FUENTE - 5

NOES- 0

ABSENT- Quan - 1

ABSTENTION- 0

Excused- Brooks, Chang - 2

ATTEST: 

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

EXHIBIT A

(to the resolution confirming the Rockridge BID annual report and levying the FY 07/08 assessment)

**ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT
ANNUAL REPORT TO THE NEIGHBORHOOD COMMERCIAL
REVITALIZATION PROGRAM/CEDA FOR FISCAL YEAR
2007-2008**

Section 36533

(b)(1)

There are no proposed changes to the boundaries of the Rockridge Business Improvement District (RDA).

(b)(2)

Please see the attached budget, which will outline the improvements and activities to be funded and provided in the upcoming fiscal year through February 28, 2008.

(b)(3)

Please see attached budget.

(b)(4).

The fee structure for assessments will remain as previously approved, including the change in classification of businesses by creating a subcategory for businesses that earn annual gross receipts of \$25,000 or less. Businesses which fall into this subcategory would pay an annual assessment fee of \$60.00.

(b)(5)

A cash basis net has been carried forward into the 2007-08 budget. We project this surplus to be \$25,000. This carryover was the result of non-invoiced expenses (paid in 2005), and the lack of regular staff position (in 2004).

(b)(6)

The Rockridge District Association will seek funds from corporations for sponsorship of the annual street festival and holiday promotional activities.

Annual Renewal Notice:

“Per Council adoption of the Rockridge ordinance in November 2000, the Governing Council (Advisory Board) of the Rockridge BID shall annually 45 days before the anniversary of the establishment of the Rockridge Business Improvement Management District Ordinance give the assessees of the District written notice of their rights to disestablish the district and the process therefore, and shall report that they have done so each year in the annual report to the Council.” The notice will be given as required by the ordinance.

Please contact Sara Wilson, President of the RDA Board of Directors, should you have any questions regarding this report.

August 30, 2006

**Rockridge District Association
Proposed Budget Overview
March 1, 2007-February 28, 2008**

INCOME

BID Revenues	140,000	
Prior year carryforward	25,000	
Miscellaneous Income	<u>1,800</u>	
		166,800

EXPENSES

Organization Committee

Insurance	3,500	
Tax Preparation	1,500	
Professional Administration	50,000	
City of Oakland Loan	2,550	
City of Oakland Collection Costs	4,000	
Meeting Expense	750	
Postage/Printing/Newsletter	2,500	
Telecommunications	500	
Misc.	<u>100</u>	
		65,400

DISI Committee(District Identity and Streetscape Improvements)

Web/Advertising	5,000	
Events/Promotions	12,000	
Streetscape	5,000	
Marketing/Materials	6,000	
Misc.	100	
		28,100

SOBO Committee (Sidewalk,Operations,Beautification,Order)

Beautification/Décor	4,000	
Security/Public Safety	6,000	
Maintenance/Street Cleaning	40,000	
Misc.	<u>100</u>	
		50,100

Land Use Landscape, Public Space Design

Misc.	1,000	
	100	
		1,100

Contingency 15% (for use in any program area)	22100	22100
		166,800