

OAKLAND CITY COUNCIL

*B. Plabed*

OFFICE OF THE CITY CLERK  
OAKLAND

78181

RESOLUTION No. \_\_\_\_\_ C.M.S.

2003 OCT 23 PM 3:06

**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 2004/05**

**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 new security, crime prevention, beautification, parking resolution, sidewalk sweeping, economic development, lighting, 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 Number 12378; and

**WHEREAS**, the Annual Report 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 2004/05;

**NOW, THEREFORE**, the Council of the City of Oakland does hereby find and resolve 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 November 4, 2003, 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 2004/05. 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 2004/05 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.
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.

NOV 04 2003

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- ~~BRUNNER~~, CHANG, BROOKS, NADEL, REID, QUAN, WAN and PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- Brunner - 1

ABSTENTION- 0

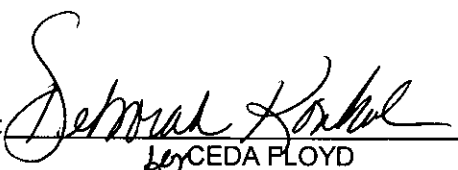
ATTEST:   
LORCEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

EXHIBIT A  
(to resolution confirming the Montclair BID annual report  
and levying the FY 04/05 assessment)

**Montclair Village Association**  
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ANNUAL REPORT TO THE NEIGHBORHOOD COMMERCIAL REVITALIZATION  
PROGRAM (CEDA) RELATED TO THE SECOND 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 attached budget which will outline the improvements and activities to be funded and provided in the year ending December 31, 2004.

(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 the assessments levied, funds have been generated from Pacific Fine Arts Festivals, advertising off set and management of the Montclair Parking Garage.

David Sarber

President, Montclair Village Association

PROPOSED 2004 BUDGET FOR MONTCLAIR VILLAGE ASSOCIATION (B.I.D.)

INCOME

BID REVENUES BASED ON 2003 COLLECTIONS	\$ 112,000.00	
ART FESTIVALS	9,000.00	
ADVERTISING OFF-SET	20,000.00	
GARAGE MANAGEMENT	10,800.00	
<b>TOTAL PROJECTED INCOME</b>		<b>\$ 151,800.00</b>

EXPENSES

PROMOTIONS COMMITTEE		
WEB SITE	1,000.00	
SPECIAL EVENT	10,000.00	
HOLIDAY	4,000.00	
VILLAGE GUIDE	20,000.00	
		\$ 35,000.00

ECONOMIC RESTRUCTURING		
SECURITY	24,000.00	
MAINTENANCE	17,000.00	
BEAUTIFICATION	12,000.00	
		\$ 53,000.00

DESIGN COMMITTEE		
BANNERS	5,000.00	
MAP SIGNAGE	2,000.00	
EQUIPMENT	2,000.00	
(trash cans etc.)		\$ 9,000.00

ORGANIZATION COMMITTEE		
INSURANCE	3,000.00	
OFFICE SUPPLIES	4,500.00	
POSTAGE	1,500.00	
RENT	3,000.00	
STAFF	20,000.00	
TAXES	3,000.00	
ACCOUNTANT	700.00	
MEETINGS	300.00	
		\$ 36,000.00

OTHER		
CITY COLLECTION	3,000.00	
GARAGE SAVINGS/ FUTURE PARKING	10,800.00	
CONTINGENCY	5,000.00	
		\$ 18,800.00

**TOTAL PROJECTED EXPENSES      \$ 151,800.00**