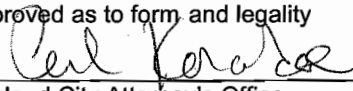


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 DEC 19 PM 12:33

Approved as to form and legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION No. 81747 C.M.S.

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**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).

JAN - 6 2009  
IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_

**PASSED BY THE FOLLOWING VOTE:**

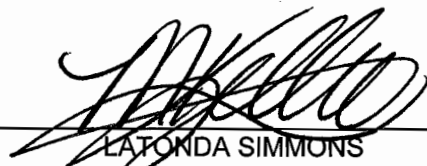
AYES- ~~BROOKS~~, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- Brooks - 1

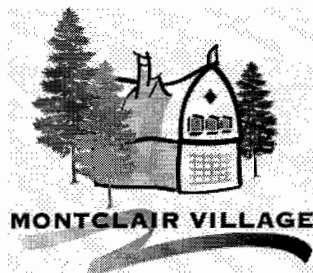
ABSTENTION- 0

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	
<b>Total Projected Income</b>		<b>\$ 120,700.00</b>

Expenses		
Beautification		
Landscaping	\$ 14,400.00	
Maintenance	\$ 20,000.00	
Streetscape	\$ 2,500.00	
<i>Beautification Subtotal</i>		<i>\$ 36,900.00</i>

Economic Restructuring		
Safety	\$ 350.00	
Security	\$ 24,000.00	
<i>Economic Restructuring</i>		<i>\$ 24,350.00</i>

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	
<i>Organization Subtotal</i>		<i>\$ 40,600.00</i>

Other		
City Collection Fee	\$ 2,500.00	
City Loan Payment	\$ 3,200.00	
<i>Other Subtotal</i>		<i>\$ 5,700.00</i>

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	
<i>Promotions Subtotal</i>		<i>\$ 13,150.00</i>

<b>Total Projected Expenses</b>	<b>\$ 120,700.00</b>
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Net	\$
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