

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION MAKING A DETERMINATION REGARDING ANY PROTESTS RECEIVED FOR THE LAKESHORE/LAKE PARK BUSINESS IMPROVEMENT MANAGEMENT DISTRICT OF 2022 ("LAKESHORE BID 2022"), APPROVING THE LAKESHORE BID 2022 MANAGEMENT PLAN, APPROVING THE ASSESSMENTS FOR THE LAKESHORE BID 2022, DIRECTING RECORDING OF THE PROPOSED ASSESSMENT DISTRICT BOUNDARY DESCRIPTION, ESTABLISHING THE LAKESHORE/LAKE PARK BUSINESS IMPROVEMENT MANAGEMENT DISTRICT OF 2022, AND APPOINTING THE ADVISORY BOARD FOR THE LAKESHORE BID 2022

WHEREAS, the City Council of the City of Oakland enacted the City of Oakland Business Improvement District Ordinance (Chapter 4.48, Ordinance No. 12190, 1999) establishing the procedures for the formation of Business Improvement Districts; 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 and property owners in the City to assist in the formation of such districts; and

WHEREAS, the property owners in the Downtown district have duly petitioned to form the Lakeshore/Lake Park Business Improvement Management District of 2022 ("Lakeshore BID 2022") under the BIMD Ordinance and have proposed the Management Plan for the operation of the District ("District Plan") (*Exhibit A*); and

WHEREAS, the District Plan contains a detailed engineer's report prepared by a registered professional engineer recognized by the State of California; and

WHEREAS, the District Plan was prepared in accordance with the provisions of Article XIII of the California Constitution, and has been filed with the City Clerk for proceedings in formation of this district; and

WHEREAS, the District Plan was prepared in accordance with the provisions of the BIMD Ordinance overseeing the formation of the Lakeshore BID 2022 as referenced above, and has been filed with the City Clerk for proceedings in formation of this District; and

WHEREAS, the District Plan, incorporated by this reference, provides for enhanced cleaning, marketing, security and promotional activities and improvements of particular benefit to the properties located within the Lakeshore BID 2022 (as more specifically identified in the District Plan attached hereto); and

WHEREAS, the City Council of the City of Oakland adopted on May 17, 2022 a Resolution of Intention to form the Lakeshore/Lake Park Business Improvement Management District of 2022 (Resolution No. 89177 C.M.S.) with the title of the Resolution of Intention as follows:

RESOLUTION:

- 1) DECLARING AN INTENTION TO FORM THE LAKESHORE/LAKE PARK BUSINESS IMPROVEMENT MANAGEMENT DISTRICT OF 2022 ("LAKESHORE BID 2022"); AND**
- 2) GRANTING PRELIMINARY APPROVAL OF THE LAKESHORE BID 2022 MANAGEMENT PLAN; AND**
- 3) DIRECTING FILING OF THE PROPOSED LAKESHORE BID 2022 ASSESSMENT DISTRICT BOUNDARY DESCRIPTION WITH THE CITY CLERK; AND**
- 4) DIRECTING DISTRIBUTION OF A BALLOT TO ALL AFFECTED PROPERTY OWNERS IN THE PROPOSED LAKESHORE BID 2022 TO DETERMINE WHETHER A MAJORITY PROTEST EXISTS; AND**
- 5) SCHEDULING A PUBLIC HEARING FOR JULY 5, 2022.**

; and

WHEREAS, Notice was given to all interested parties that a Public Hearing would be held at 1:30 p.m. on July 5, 2022, at City Hall, One Frank H. Ogawa Plaza, Oakland California, via teleconference as required by State or County emergency health orders, in the City Council Chambers, to hear all public comments, protests, count the returned ballots as to the formation of the Lakeshore BID 2022, appoint the Advisory Board for the Lakeshore BID 2022, and take final action as to the formation of the Lakeshore BID 2022; and

WHEREAS, A copy of the preliminary report of the City Clerk is on file in the office of the City Clerk relating to the formation of the Lakeshore BID 2022; and

WHEREAS, On or before May 21, 2022, the following documents were mailed to each affected property owner in the proposed Lakeshore BID 2022: 1) the Resolution of Intention to form the Lakeshore BID 2022; 2) notice of the public hearing to take place at 1:30 p.m. on July 5, 2022 or as soon thereafter as the matter can be heard; 3) a ballot to vote on formation of the Lakeshore BID 2022; 4) and instructions on procedures for completion and return of ballots; and

WHEREAS, while no Chambers of Commerce or business organizations were known to be located within the proposed boundaries of the Lakeshore BID 2022, courtesy copies of the

Resolution of Intention and public notice were mailed to all city-wide Chambers of Commerce; and

WHEREAS, At the July 5, 2022 hearing the testimony of all interested persons for or against the establishment of the Lakeshore BID 2022, the boundaries of the Lakeshore BID 2022, or the furnishing of the specified types of improvements or activities was heard; now, therefore, be it

RESOLVED: That the City Council finds that a majority protest does not exist within the meaning of Oakland Municipal Code section 4.48.070.G because the ballots submitted in favor of the assessment exceed the ballots submitted in opposition to the assessment; and be it

FURTHER RESOLVED: That the City Council of the City of Oakland finds that the District Plan has been prepared in compliance with Chapter 4.48 of the Oakland Municipal Code, the laws of the State of California and the California Constitution with regard to the formation of Business Improvement Districts; and be it

FURTHER RESOLVED: That the District Plan is approved and the assessments for the first year shall be as provided for in the District Plan and in the assessment roll contained in Attachment A to the District Plan and are incorporated herein by this reference; and be it

FURTHER RESOLVED: That the Lakeshore/Lake Park Business Improvement Management District of 2022 is hereby established pursuant to Chapter 4.48 of the Oakland Municipal Code with the boundaries as specified in the District Plan on file in the office of the City Clerk, a copy of which is attached hereto as *Exhibit A*; and be it

FURTHER RESOLVED: That the name of the Business Improvement District shall be the Lakeshore/Lake Park Business Improvement Management District Of 2022; and be it

FURTHER RESOLVED: That the reasons for the assessments and the types of the improvements and activities proposed to be funded and acquired by the levy of assessments on properties within the Lakeshore BID 2022 and the time period for which the proposed improvements are to be made are those specified in Section 3 of the District Plan on file in the office of the City Clerk and attached hereto (*Exhibit A*); and be it

FURTHER RESOLVED: That the improvements and activities to be provided in the Lakeshore BID 2022 will be funded by the levy of annual assessments to pay for all improvements and activities within the area; and be it

FURTHER RESOLVED: That the revenue from the levy of assessments within the Lakeshore BID 2022 shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified in the District Plan, including modifications, if any, by the City Council at the hearing concerning the establishment of the district as specified in this Resolution; and be it

FURTHER RESOLVED: That the boundaries of the Lakeshore BID 2022 and of each separate benefit zone within the district are delineated in Section 2 of the District Plan, including

a map outlining each affected lot, which is on file in the office of the City Clerk and a copy of which is attached hereto (*Exhibit A*); and be it

FURTHER RESOLVED: That the proposed method and basis of levying the assessments to be levied against each property in the Lakeshore BID 2022 is based on lot square footage and linear street frontage of each parcel located within the Lakeshore BID 2022, and the assessments proposed for each property are contained in Attachment A of the District Plan; and be it

FURTHER RESOLVED: That the assessments for the entire Lakeshore BID 2022 equal Two Hundred Seventeen Thousand One Hundred Ninety-Nine dollars (\$217,199) for the first year of the Lakeshore/Lake Park Business Improvement Management District Of 2022 and the amounts chargeable to each parcel are as shown in Attachment A of the District Plan, on file in the office of the City Clerk and attached hereto as *Exhibit A*; and be it

FURTHER RESOLVED: That the Lakeshore BID 2022 shall be in existence for a period of ten (10) years during which a maximum five percent (5%) increase per year, beginning in year two, in the amount of the assessment on each property shall be allowable with City Council approval, as provided for in the District Plan; and be it

FURTHER RESOLVED: The assessment shall be attached to the property and collected with the annual county property taxes; and be it

FURTHER RESOLVED: That the City Council finds, determines and declares that the Lakeshore BID 2022 and each parcel therein is benefited by the improvements, maintenance, and activities funded by the assessment to be levied, including all expenses incurred incidentally thereto, upon the lots and parcels of real property in proportion to the estimated benefits to be derived as specified in the District Plan, and the engineer's report included therein; and be it

FURTHER RESOLVED: That the City Clerk shall record a notice and map describing the assessment district pursuant to California Streets and Highways Code Division 4.5 (commencing with Section 3100); and be it

FURTHER RESOLVED: That properties in the Lakeshore BID 2022 shall be subject to any amendments to Chapter 4.48 of the Oakland Municipal Code (Oakland Business Improvement District Ordinance); and be it

FURTHER RESOLVED: The City Administrator is hereby authorized to enter into a contract with any nonprofit corporation comprised of the assessees themselves and designated by affected property owners to conduct or contract for the cleaning, security, marketing and promotions, or other activities and improvements for the Lakeshore BID 2022 as provided for in Chapter 4.48 of the Oakland Municipal Code (Oakland Business Improvement District Ordinance); and be it

FURTHER RESOLVED: That the Board of Directors for the above designated nonprofit corporation shall serve as the Advisory Board for the Lakeshore BID 2022 until further notice by the Oakland City Council as provided for in Chapter 4.48 of the Oakland Municipal Code (Oakland Business Improvement District Ordinance); and be it

FURTHER RESOLVED: That the Advisory Board for the Lakeshore BID 2022 shall also have at least one member who is a business licensee within the Lakeshore BID 2022 who is not also a property owner within the Lakeshore BID 2022.

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IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California