

2014 NOV -6 AM 10:38

OAKLAND CITY COUNCIL

RESOLUTION No. 85278 C.M.S.

---

**RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT  
FOR FISCAL YEAR 2015-2016 FOR THE ROCKRIDGE BUSINESS  
IMPROVEMENT DISTRICT, APPROVING THE ANNUAL REPORT OF  
THE ROCKRIDGE BUSINESS IMPROVEMENT DISTRICT  
ADVISORY BOARD, AND SCHEDULING A PUBLIC HEARING FOR  
DECEMBER 9, 2014**

**WHEREAS**, the State of California allows for the formation of business assessment districts under Street and Highways Code Section 36500 *et seq.*; 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 new security, beautification, 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 Rockridge Business Improvement District was established by the City Council on November 28, 2000, pursuant to Ordinance 12301C.M.S.; and

**WHEREAS**, Streets and Highways Code Section 36533 requires that before the next annual assessment for the Rockridge Business Improvement District is levied, the City Council must: (1) approve the Report, (2) approve a Resolution of Intention that declares the City's intention to collect the assessments, and (3) schedule a public hearing to be held on the levy of the proposed assessment; and

**WHEREAS**, pursuant to said law, the Rockridge Business Improvement District Advisory Board has prepared and filed with the City Clerk, the Annual Assessment Report (attached as Exhibit A) ("Report"), which contains the required particulars including a detailed description of the improvements and activities to be provided for the 2015-2016 fiscal year, the boundaries of the area and any benefit zones within the area, and the proposed assessments to be levied upon the businesses within the area for the 2015-2016 fiscal year; and

**WHEREAS**, if the District's proposed assessments for FY 2015-2016 are approved and levied, they will be held (until disbursed) in a special trust fund established by the Finance and Management Agency on behalf of the District in Miscellaneous Trusts Fund (7999)/NCR & SDS Org (85411)/Pass Thru Assessments

Account (24224)/Undetermined Project (0000000)/Rockridge BID Program (RBID);  
now therefore be it

**RESOLVED:** that the Council of the City of Oakland does find and state its  
intention as follows:

1. The Fiscal Year 2015-2016 Annual Assessment Report for the Rockridge Business Improvement District is hereby approved, and pursuant to Streets and Highways Code Section 36534, the City Council declares its intention to levy and collect the assessments for FY 2015-2016 as provided for in the said Annual Assessment Report and pursuant to the assessment formula as provided for in the Plan, if the requested assessments are approved by the City Council after the Public Hearing scheduled by this Resolution of Intention.
2. The location and 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.
3. The types of the improvements and activities proposed to be funded by the levy of FY 2015-2016 assessments on businesses in the area are those described in the Plan and the Annual Assessment Report on file with the City Clerk. No substantial changes in the improvements or activities for the District are proposed to be made.
4. The proposed method and basis of calculating 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. For the fiscal year 2015-2016 assessment, a sub-classification of businesses that earn annual gross receipts of \$25,000 or less is proposed to be created with a reduced fee for that assessment year of \$60 (instead of the \$120 fee). Such sub-classification is proposed to be temporarily created to reduce the number and expense of processing hardship partial fee waiver requests, and the reduced fee amount would not apply to future assessment years unless renewed in the annual assessment resolution for such future years.
5. A Public Hearing is set for December 9, 2014 at 6:00 p.m. in Oakland City Hall, to hear all public comments, protests, and to take final action as to the levying of the proposed assessments for the District for the fiscal year 2015-2016.
6. The City Clerk is directed to give notice of the Public Hearing by causing the Resolution of Intention to be published once in a newspaper of general circulation in the City of Oakland not less than seven days before the Public Hearing.
7. At the Public Hearing the testimony of all interested persons for or against the proposed assessments will be heard and written and oral protests may be made. The form and manner of protests shall comply with Sections 36524 and 36525 of the Streets and Highways Code.

8. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.
9. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.
10. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the City as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business.
11. A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.
12. If written protests are received by the owners of businesses in the proposed area which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than that 50 percent, the proposed assessment shall not be levied.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2014 ..

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, ~~GIBSON McEITHANEY~~, KALB, KAPLAN, REID, SCHAAF and  
PRESIDENT KERNIGHAN -7

NOES- 0

ABSENT- Gibson McEithaney -1

ABSTENTION- 0

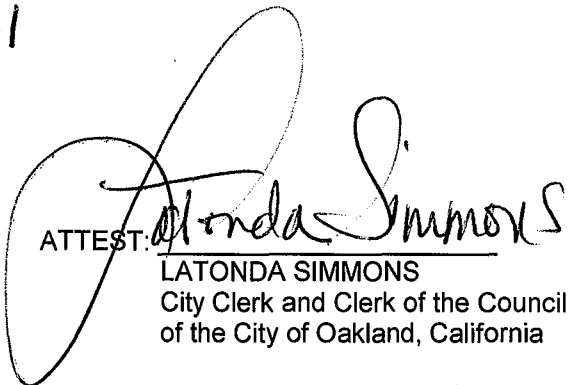
ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Exhibit A

(To the Resolution of Intention to Levy the FY 2015-2016 Rockridge BID Assessment)

**Rockridge Business Improvement District  
Annual Report To The City Of Oakland  
Relating to the Fiscal Year 2015-2016**

Pursuant to California Streets and Highways Code Part 6  
Parking and Business Improvement Area Law of 1989  
Chapter 3, Section 36533

**I. Proposed changes in the boundaries of the parking and business improvement area or in any benefit zone within the area.**  
There are no proposed changes to the boundaries of the Rockridge Business Improvement District

**II. Improvements and activities to be provided for in fiscal year 2015-2016**

Please see the attached budget, which will outline the improvements and activities to be funded and provided in the upcoming fiscal year through Feb 28, 2016.

**III. Estimate of the cost of providing the improvements and activities for fiscal year 2015-2016**

See attached budget.

The RDA has expenses that do not recur on an annual basis. Examples are Tree Trimming, Surveillance Cameras, Banners, Signage. Currently we have bids for 30K for trees, 20K for cameras and 15K for Banner additions and replacements. These items will recur every 3-5 years and funds for these and similar expenditures will be reserved/accumulated in a Capital Projects line item under the existing Streetscape and Security program category.

**IV. Method and basis of levying the assessment.**

The fee structure for assessments will remain as previously approved, including temporarily creating a sub-classification for businesses that earn annual gross receipts of \$25,000 or less. Businesses which fall into this sub-classification would pay an annual assessment fee of \$60.00. This is not a property based district, therefore property owners are not assessed.

**V. The amount of any surplus or deficit revenues to be carried over from the previous fiscal year.**

Our fiscal year ends on 2/28. The first disbursement of assessments occurs on 4/30. Funds have been kept to cover recurring expenses for March and April.

Additionally, in 2011 we were concerned with the declining economy and unsure of the amount of assessment that would be coming in. In 2013 we discovered that many of our businesses were not receiving assessment bills - over 50 businesses, many for the past 4 years. With improved economy and improved tracking of assessed businesses we have found ourselves with additional funds. These are the reasons for the projected \$50K carryforward which will be spent on Tree Trimming/Surveillance Cameras/ Signage/Banners and the like. We anticipate similar carryforwards in future years to cover the types of Capital Project expenditures described above that do not occur annually but which require accumulation of funds over a period of 3-5 years.

**VI. The amount of any contributions to be made from sources other than assessments levied.**

The Rockridge Business Improvement District will seek sponsorship funds for our promotional and beautification efforts.

**VII. Annual Renewal Notice.**

This year City Council is approving an amendment to this requirement. Starting in 2014 the notice has to be sent

every 5 years. The notice will be sent again in 2018 as the last notice was sent in 2013. Section 12 of the amended Ordinance 12301 C.M.S. now states:

The Governing Council (Advisory Board) of the Rockrdige BID shall annually 45 days before the anniversary of the establishment of Rockridge Business Improvement District Ordinance give the assesseees of the District written notice of their rights to seek disestablishment of the district and the process therefore. Commencing with the year 2014, said notice shall no longer be required annually, but shall be given once every five years, with the next notice to be sent 45 days before the District's formation anniversary in the year 2018. In their annual report to Council, the Advisory Board shall report that they have provided this notice.

Please contact Henry C. Levy, Treasurer of the Rockridge Business Improvement District, should you have any questions regarding this report.

October 16, 2014

Rockridge District Association, for the Rockridge Business Improvement District

Proposed Budget

March 2015 to February 2016

Gross BID Revenue	\$158,400
City of Oakland- Collection Cost	-\$2,400
City of Oakland- Noticing	-\$1,100
Carryforward	\$50,000
<b>Total Income</b>	<b>\$204,900</b>
<b>Expense</b>	
<b>Organization</b>	<b>\$62,000</b>
<b>Marketing &amp; Promotion</b>	<b>\$34,000</b>
<b>Streetscape &amp; Security</b>	<b>\$58,900</b>
<b>Capital Projects</b>	<b>\$50,000</b>
<b>Total Expense</b>	<b>\$204,900</b>



The RDA continues to strive to build bridges with the Oakland Police Department, the Public Works Department, and neighborhood groups. Over the past year our ties and partnerships with the Oakland Police Department have grown stronger in an effort to reduce overall crime here in the area. We have been working with Public Works to reduce blight issues. This includes an ongoing effort by the BID to remove tagging and report illegal dumping. We have employed a cleaning crew to augment our ongoing efforts to maintain an immaculate district for everyone's enjoyment, and the board will be awarding a contract for tree maintenance, planting, and trimming within our district boundaries. We do this as stewards of the Avenue, for safety as well as aesthetics, since this financial burden has been shifted from the city to the BID.

We have met with the Rockridge Community Planning Council to promote the shopping district in order to benefit the neighborhood on all levels, and we are working with the RCPC on quality-of-life issues impacting this community. The RDA has dedicated a larger than usual percent of business fees to advertising and marketing as a benefit to our merchant population. We have also instituted ongoing monthly web marketing classes for our members so that they can learn how to promote their businesses online as well as helping BID businesses by providing online recruiting for their vacant positions.

The RDA is working on our Street Festival Out and About, which will be Sunday, October 12th. In an effort to bring a new dimension to the festivities, the RDA has hired Stephen Tiffin and Samee Roberts of Shasta Productions to create this year's event. We are working with the RCPC to organize the Halloween Parade to once again build community in the Rockridge neighborhood. As we've done in past years, we will be producing Rockridge in the Snow as an annual promotion to jump start the holiday shopping season.

The increase in crime earlier this year demanded attention thus the district brought in private security at significant cost. The expense helped calm fears not only for our members but the community at large. The RDA is in the process of exploring CCTV for four key areas on the Avenue to assist OPD in helping bring an even higher level of safety to our area. At district expense of some \$14,000, we had decomposed granite placed in the open tree wells to help eliminate this serious safety issue as well as to create wider pedestrian pathways. We continue promoting the district to bring in new business, and rumor has it that a hardware store will soon be opening. Such a store is something that we believe is needed and wanted by the community and will help make our district even more attractive.

We are working closely with AC transit on the layout of the changes to the 51 bus line to minimize the negative impact on parking for our businesses. We worked closely with our merchants to help mitigate the parking at the new Safeway construction project and will continue to be involved. The RDA continues its close working relationship with Claremont Middle School by sponsoring a fund-raiser, a pancake breakfast, providing badly needed funds for the PTA. Work with school staff reduces friction between students, our businesses, and neighbors.

**Rockridge District Association, a Rockridge Business Improvement District**

---

5435 College Ave Ste 200 ▪ Oakland ▪ CA 94618  
▪ Phone 510-604-3125 ▪  
chris@rockridgedistrict.com ▪ www.rockridgedistrict.com

**Rockridge District Association a RBID  
Board 2013-2014**

	Board Member Name:	OY	Business:	Business Address:	Phone:(510)	Email Address:
1	Beverly McArthur	2006	First Federal Savings & Loan	6058 College	652-9500	<a href="mailto:mcarthurbeverly35@yahoo.com">mcarthurbeverly35@yahoo.com</a>
2	Henry Levy	2003	Hank Levy Group, CPA	5940 College	652-1000	<a href="mailto:hank@hlgcpa.com">hank@hlgcpa.com</a>
3	Joyce Gardner	2006	FIT	5707 College	923-0784	<a href="mailto:fitclothing@att.net">fitclothing@att.net</a>
4	Louise Rothman-Riemer	1999	DHR Investment Counsel	5435 College Ste 200	596-2580	<a href="mailto:louise@dhrcounsel.com">louise@dhrcounsel.com</a>
5	Susan Bernosky	2006	Strahan Ins Svcs Inc	5940 College	450-9050	<a href="mailto:susan@susanbernosky.com">susan@susanbernosky.com</a>
6	Veronica Bhonsle	2005	VERO	6052 College	985-0406	<a href="mailto:vbhonsle@aol.com">vbhonsle@aol.com</a>
7	Maggie Klein	2013	Oliveto	5655 College	547-5356	<a href="mailto:maggie@oliveto.com">maggie@oliveto.com</a>
8	Laurie Field	2013	Lauren G Field	5332 College Ste100	658-2525	<a href="mailto:laurenfield@gmail.com">laurenfield@gmail.com</a>
9	Robin Pennell	2013	Jarvis Architects	5278 College Ave	654-6755	<a href="mailto:rpennell@jarvisarchitects.com">rpennell@jarvisarchitects.com</a>
10	Open					