

RESOLUTION NO. 63-12

A RESOLUTION OF THE RICHMOND CITY COUNCIL DECLARING ITS INTENTION TO FORM THE DOWNTOWN RICHMOND PROPERTY & BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the Property and Business Improvement District Law of 1994, Streets and Highways Code §36600 et seq., authorizes cities and counties to establish property and business improvement districts for the purposes of promoting economic revitalization and physical maintenance; and

WHEREAS, incorporated herein by this reference is the Downtown Richmond Property and Business Improvement District (“DRPBID”) Management District Plan (hereafter “Plan”), which provides for enhanced services with the intent of increasing the commercial activity and overall image of Downtown Richmond for the special benefit of assessed properties; and

WHEREAS, owners of properties within the proposed DRPBID have submitted petitions asking that the City Council form the DRPBID. Included with each petition was a Management District Plan summary and a map showing the boundaries of the DRPBID. The petitions, the boundary map, and the Plan are on file with the City Clerk; and

WHEREAS, the City Council finds that the City has received petitions signed by property owners in the proposed DRPBID who will pay more than 50% of the proposed assessment; and

WHEREAS, the City Council finds that the Plan satisfies all of the requirements of Streets and Highways Code Section 36622. The Plan provides for the following improvements and services within the DRPBID, all of which are intended to increase commercial activity: cleaning, maintenance, safety, marketing, promotions, business attractions and advocacy. The Plan proposes to fund these improvements and services through the levy of a benefit assessment on real property within the DRPBID.

WHEREAS, in furtherance of implementing the DRPBID, the following documents have been prepared, reviewed and approved as to form by City staff, and presented at this meeting:

1. The Management District Plan
2. Property and Business Improvement District Boundary Map

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND RESOLVES AS FOLLOWS:

1. The recitals set forth herein are true and correct.
2. The City Council finds that property owners who will pay more than 50% of the assessment proposed in the Plan have signed petitions. The City Council accepts the petitions and intends to form the DRPBID and to levy an assessment on real property within the DRPBID boundaries in accordance with the Property and Business Improvement District Law of 1994. In the first year of the five year term, the proposed assessment is approximately \$183,092.00.
3. The form of the Plan on file with the City Clerk of the City and incorporated into this Resolution by reference is hereby approved. The Authorized Representatives are each hereby authorized and directed, severally, or any such officer’s designee, for and on behalf of the City, to execute and deliver a Plan substantially the form on file with the City Clerk and presented to this meeting, with such additions thereto or changes or insertions that hereafter become necessary in the interest of the City and which are approved by such Authorized Representative, such approval to be conclusively evidenced by such execution and delivery.
4. The assessment will be imposed on real property at the following rates: \$.012 per parcel square foot on commercial parcels and \$.05 per parcel square foot per year on parcels owned and utilized by non-profit housing agencies within the District. In years two through five the assessment rate may be subject to an increase of no more than three percent per year.

5. The City Council finds that the Plan satisfies all requirements of Streets and Highway Code section 36622.

6. The exterior boundaries of the DRPBID are shown on the "Proposed DRPBID Boundary Map" attached to this resolution as Exhibit A.

7. Bonds shall not be issued for the DRPBID.

8. The time and place for the public hearing on the establishment of the DRPBID and the levy of the proposed assessment are set for 6:30 p.m. on July 17, 2012, at 440 Civic Center Plaza, Richmond, California, 94804. The City Council may continue the public hearing from time to time.

9. The City Clerk is directed to give notice of the time and place of the public hearing in accordance with Streets and Highways Code section 36623. The City Clerk is to do this by mailing (or causing to be mailed) written notices and assessment ballots in the time, form, and manner provided by Government Code section 53753 to all persons who own real property within the proposed DRPBID and will be subject to the proposed assessment. The City Clerk is further directed to file an affidavit with the City Council when all notices and ballots have been mailed, setting forth the time and manner of his or her compliance with the requirements of law for mailing the notices and ballots.

10. At the public hearing, the City Council will consider all objections or protests to the proposed assessment, and any interested person will be permitted to present written or oral testimony. At the conclusion of the public hearing, all ballots submitted and not withdrawn will be tabulated in accordance with Government Code section 53753.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on May 15, 2012, by the following vote:

AYES: Councilmembers Bates, Beckles, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 63-12, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 15, 2012.