RESOLUTION NO. 92-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
ESTABLISHING THE DOWNTOWN RICHMOND PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT, APPROVING THE ASSESSMENT FORMULA AND
LEVYING THE ASSESSMENTS

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 upon petition by a weighted majority of property owners within the
proposed district and affirmative ballot; and

WHEREAS, a majority of the property owners subject to assessment, weighted
according to the amount of assessment to be paid by each property owner, have petitioned the
City Council to form the Downtown Richmond Property and Business Improvement District
("DRPBID"); and

WHEREAS, on May 15, 2012, the City Council adopted Resolution No. 63-12, which
was the Resolution of Intention to form the DRPBID; and

WHEREAS, pursuant to California Constitution Article XIII D, ballots were mailed on
May 16, 2012, to property owners within the boundaries of the DRPBID, and, among those
ballots returned to the City, a weighted majority of the property owners within the DRPBID have
approved formation of the DRPBID; and

WHEREAS, on July 17, 2012, the City Council conducted a public hearing at 6:30 p.m.
at 440 Civic Center Plaza, Richmond, California 94804, with respect to the formation of the
DRPBID; and

WHEREAS, all written and oral protests made or filed were duly heard, evidence for and
against the proposed action was received, and a full, fair and complete hearing was granted and
held; and

WHEREAS, a detailed engineer’s report prepared by a registered professional engineer
certified by the State of California, Orinn Bennett, in support of the District’s assessments, has
been prepared, is incorporated in the Management District Plan, and is on file with the Office of
the City Clerk and is incorporated herein by this reference (“Engineer’s Report”).

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

1. The recitals set forth herein are true and correct.

2. The Downtown Richmond Property and Business Improvement District is hereby
formed and the assessment is hereby levied for Fiscal Year 2013. The annual assessment will
total approximately $183,092.

3. The Management Plan and the Engineer’s Report are hereby approved.

4. The assessment shall be imposed on properties within the DRPBID. The
boundaries of the district shall be: The blocks bound by 6th Street, Barrett Avenue, Harbor Way
and Nevin Avenue; including privately-owned commercial parcels on the east side of Harbour
Way;
   • Parcels within the blocks bound by 7th Street, Nevin Avenue, Marina Way, and
     Macdonald Avenue;
   • Commercial parcels at the corner of Marina Way and Nevin Avenue;
   • Commercial parcels between along Macdonald Avenue between 15th Street and
     the BART track, and parcel number 540-480-135; and
   • Commercial parcels within the blocks bound by 8th Street, Macdonald Avenue,
     16th Street and Bissell Avenue.
5. The initial cost to the parcel owner is $0.12 per parcel square foot per year for commercial parcels. Parcels owned and utilized by non-profit housing agencies shall be assessed at a rate of $0.05 per parcel square foot per year. Assessment rates may be subject to an increase of no more than three percent per year.

6. The proposed Assessment Roll for the Downtown Richmond Property and Business Improvement District, Richmond, State of California has been filed with the City Clerk, and is hereby approved.

7. The assessments shall be collected in accordance with Section 36631 of the Streets and Highways Code.

8. The assessment levied for the DRPBID shall be applied towards cleaning, maintenance, safety, marketing, promotions, business attractions and advocacy to specially benefit assessed parcels.

9. Bonds will not be issued.

10. Properties within the District are subject to any amendments to Part 7 (commencing with Section 36600) to Division 18 of the Streets and Highways Code.

11. The improvements and activities to be provided in the District will be funded by the levy of the assessments specified in the assessment roll. The revenue from the levy of such assessments shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified on the Resolution of Intention.

12. All property within the District will be benefited specially and directly by the improvements and activities funded by the assessments proposed to be levied.

13. The City Clerk is directed to take all necessary actions to complete the establishment of the DRPBID. The City Clerk is directed to record in the County Recorder’s Office a notice and assessment diagram as required by Streets and Highways Code §36627.

14. If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phases hereof be declares invalid or unconstitutional.

15. This resolution shall take effect immediately.
I certify that the foregoing Resolution was passed and adopted by the Members of the City Council of the City of Richmond at a regular meeting held on July 17, 2012, by the following vote:

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

NOES: Councilmember Boozé.

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  
City of Richmond

I certify that the foregoing is a true copy of Resolution No. 92-12, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 17, 2012.