

**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**

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**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 6<sup>th</sup> 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 7<sup>th</sup> 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 15<sup>th</sup> Street and the BART track, and parcel number 540-480-135; and
  - Commercial parcels within the blocks bound by 8<sup>th</sup> Street, Macdonald Avenue, 16<sup>th</sup> 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 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 phrases 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        } : ss.  
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.