

RESOLUTION NO. 84-17

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA
RENEWING THE DOWNTOWN RICHMOND PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT (“DRPBID”), 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 to renew property and business improvement districts upon petition by a weighted majority of property owners within the renewed 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 renew the Downtown Richmond Property and Business Improvement District (“DRPBID”); and

WHEREAS, on May 16, 2017, the City Council adopted Resolution No. 53-17, which was the Resolution of Intention to renew the DRPBID; and

WHEREAS, on July 11, 2017, the City Council conducted a public hearing at 6:30 PM at 440 Civic Center Plaza, Richmond, CA 94804, with respect to the renewal 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, pursuant to California Constitution Article XIII D, ballots were mailed 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 renewal of the DRPBID; and

WHEREAS, a detailed engineer’s report prepared by a registered professional engineer certified by the State of California, Ross Peabody, in support of the DRPBID’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 renewed and the annual assessment is hereby levied for each year of the entire term of the DRPBID. The initial annual assessment will total approximately \$199,869.53.
3. The Management District Plan and the Engineer’s Report are hereby approved.
4. The assessment shall be imposed on properties within the DRPBID. The boundaries of the DRPBID generally include parcels along portions of Macdonald Avenue from 6th Street (in the west) to the BART tracks (in the east); portions of 8th Street and Harbour Way from Barrett Avenue (in the north) to Bissell Avenue (in the south); portions of Marina Way from Nevin Avenue (in the north) to Bissell Avenue (in the south).
5. Assessment rates are as follows: The initial annual assessment rate applied to commercial parcels is \$0.13 per square foot per year, and applied to non-profit housing parcels is \$0.06 per square foot per year. Assessment rates may be subejct to an increase of no more than three percent (3%) per year.

6. The 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 economic revitalization and maintenance programs, including Maintenance, Safety and Nuisance Abatement; Marketing, Promotions and Business Development; Capital Improvements; and related administration.

9. Bonds shall not be issued.

10. Properties within the DRPBID 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 DRPBID 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 DRPBID or for any purpose other than the purposes specified in the Resolution of Intention and Management District Plan. Notwithstanding the foregoing, improvements and activities that must be provided outside the DRPBID boundaries to create a special benefit to the assessed parcels may be provided, but shall be limited to marketing or signage pointing to the DRPBID.

12. All property within the DRPBID 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 renewal 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 section 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 Council of the City of Richmond at a special meeting thereof held July 11, 2017, by the following vote:

AYES: Councilmembers Choi, McLaughlin, Myrick, Willis, Vice Mayor Beckles, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Martinez.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

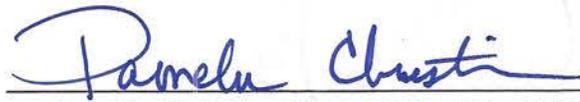
TOM BUTT
Mayor

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. 84-17**, finally passed and adopted by the City Council of the City of Richmond at a special meeting held on July 11, 2017.


Pamela Christian, Clerk of the City of Richmond