



## Legislation Text

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**File #:** 14-460, **Version:** 1

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RESOLUTION of the City Council of the City of San Leandro Declaring the City Council's Intention to Establish the West San Leandro Shuttle Business Improvement District (BID) and Setting a Public Hearing Relating Thereto for December 15, 2014 (continues the process to re-establish the BID which would levy an annual \$21 per employee assessment on the approximately 600 businesses in the BID to fund approximately 50% of an enhanced LINKS shuttle service)

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code Sections 36500 et seq.) authorizes cities to establish a business improvement area for the purpose of improving the economic activity within the area; and

WHEREAS, cities may fund these improvements through assessments on businesses for certain purposes; and

WHEREAS, the City Council adopted Ordinance No. 2004-013 on June 21, 2004, amending Title 2 of the San Leandro Municipal Code to add a new Chapter 15 establishing the West San Leandro Business Improvement District (BID) and setting an assessment to be levied on businesses within the BID; and

WHEREAS, the City Council adopted Ordinance No. 2005-017, on October 3, 2005, amending Title 2 of the San Leandro Municipal Code to add a new Chapter 15 re-establishing the West San Leandro Business Improvement District and to sunset June 30, 2009.

WHEREAS, the City Council adopted Ordinance No. 2009-002 on April 6, 2009 re-establishing the West San Leandro Shuttle Business Improvement District (BID), and setting an assessment to be levied on businesses within the BID; and

WHEREAS, Ordinance No. 2009-002 included a term for the BID assessment to sunset after five years and expire on June 30, 2014; and

WHEREAS, the BID funds approximately fifty percent of West San Leandro Shuttle Service, known as the LINKS Shuttle, administration and operational costs; and

WHEREAS, the City has submitted protest ballots to business owners within the BID, and will hold a public hearing on December 15, 2014.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

1. Pursuant to Chapter 2 of Part 6 of Division 18 of the California Streets and Highways Code, and San Leandro Municipal Code Section 2.15.090, the City Council declares its intention to form the West San Leandro Shuttle Business Improvement District (BID), and to adopt an assessment to be imposed on qualified businesses within the BID.

2. The boundaries of the territory to be included in the BID are set forth in the Map, included in EXHIBIT A, attached hereto and incorporated herein by reference. The proposed area includes all businesses within the boundaries of the BID. There shall be no separate benefit zones within the BID. A true and correct copy of the Map is on file with the City Clerk of the City of San Leandro.

The types of activities proposed to be funded by the levy of assessments on businesses in the BID include the LINKS shuttle service for transportation between businesses within the BID and the Downtown San Leandro BART station and related activities such as administration and financial reporting.

3. Except where funds are otherwise available, the City Council intends to levy an annual assessment on businesses in the BID to pay for a portion of the activities in the BID. Businesses that have received a home occupation permit from the City to exclusively conduct business from one's residence, businesses with three employees or fewer, and nonprofit businesses falling under Internal Revenue Code Section 501(c)(3) are exempt from the proposed assessment and shall not be assessed. Further, businesses for which state or federal law prohibits the City from imposing an assessment upon will likewise not be assessed.

4. New businesses shall not be exempt from assessment in their first year pursuant to Section 36531 of the California Streets and Highways Code.

5. The method and the basis for levying the annual assessment on businesses in the BID is a fee of \$21.00 per employee per year per business. Annually, the assessment may be increased in an amount up to the increase, if any, of the Cost of Living Index for San Francisco-Oakland-San Jose, All Urban Consumers. The assessment shall remain in effect for fifteen (15) years, and expire December 31, 2029.

6. The City of San Leandro may contract with the San Leandro Transportation Management Organization to provide the services specified above.

7. The City Clerk of the City of San Leandro is directed to give notice of the public meeting and public hearing as provided in Section 54954.6 of the Government Code and Sections 36523 and 36523.5 of the Streets and Highways Code.

8. A public meeting on the establishment of the proposed BID shall be conducted on Monday, December 1, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, before the City Council of the City of San Leandro, in the City Council Chambers, City Hall, 835 East 14th Street, San Leandro, California. At this meeting, the City Council will allow public testimony regarding the BID activities and assessment.

9. A public hearing on the establishment of the proposed BID shall be conducted on Monday, December 15, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, before the City Council of the City of San Leandro, in the City Council Chambers, City Hall, 835 East 14th Street, San Leandro, California. At this hearing, the City Council will hear testimony regarding the proposed area, including testimony from all interested persons for or against the BID, the extent of the BID, and the furnishing of specific types of activities. The City Council may waive any irregularity

in the form or content of any written protest, and at the public hearing may correct minor defects in the proceedings. All written protests submitted by affected business owners and received prior to the conclusion of this public hearing shall be tabulated to determine whether a majority protest exists.

10. A protest against the BID, or any aspect of it, may be made orally or in writing. An oral protest shall be made at the said public hearing. To count in the majority protest against the BID, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of San Leandro as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest to the regularity or evidence of the proceeding shall be in writing and clearly state the irregularity or defect to which the objection is made. A written protest that does not meet these requirements shall not be counted in determining a majority protest. Written protests should be mailed to the City Clerk of the City of San Leandro, 835 East 14th Street, San Leandro, California, 94577.

11. If, at the conclusion of the hearing, there are of record written protests by the owners of the businesses within the BID that will pay fifty percent (50%) or more of the total assessments of the entire BID, no further proceeding to create the BID shall occur.

Further information regarding the proposed West San Leandro Shuttle Business Improvement District may be obtained from The Office of Business Development located at 835 East 14th Street, San Leandro.

12. The City Clerk is further instructed to provide notice of the public hearing as follows: Mail a complete copy of this Resolution of Intention to each business owner in the BID within seven (7) days of the adoption of this resolution by the City Council.

13. This Resolution is effective upon its adoption.

14. Resolution No. 2014-105, which previously scheduled a public hearing on this matter for November 3, 2014 is hereby rescinded.