

RESOLUTION NO. 12263

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING THE 2007-08 ANNUAL REPORT OF THE DOWNTOWN
PARKING AND BUSINESS IMPROVEMENT DISTRICT AND DECLARING
COUNCIL'S INTENTION TO LEVY AN ANNUAL ASSESSMENT
FOR THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT
DISTRICT FOR FISCAL YEAR 2007-08 AND DIRECTING THE CITY CLERK
TO SCHEDULE A PUBLIC HEARING FOR JUNE 20, 2007
TO CONSIDER LEVYING THE ASSESSMENT**

BE IT RESOLVED by the Council of the City of San Rafael as follows:

WHEREAS the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code Section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS on July 19, 1982, the San Rafael City Council established the Downtown Parking and Business Improvement District (the District) by the adoption of Ordinance No. 1435; and

WHEREAS the Board has submitted an Annual Report to Council that outlines the activities of the District proposed for fiscal year 2007-08 as required by the California Streets and Highways Code Section 36533; and

WHEREAS the Annual Report is clear, complete and found to comply with the interests of the District assessees and contains the information required by California Streets and Highways Code Section 36533; and

WHEREAS the California Streets and Highways Code Sections 36534 and 36535 require that in order to levy an assessment, the City adopt a Resolution of Intent that declares their intent to levy such assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW, THEREFORE IT IS HEREBY RESOLVED that:

Section 1. The City Council hereby approves the 2007-08 Annual Report of the Downtown Parking and Business Improvement District as submitted to the City Clerk by the Downtown Business Improvement District Board.

Section 2. The boundaries of the Downtown Parking and Business Improvement District are described in the San Rafael Municipal Code Section 10.08.050 and displayed on the boundary map included in the submitted Annual Report. No changes are proposed

in the 2007-08 Annual Report. Generally, the District is located on Fourth Street between Lincoln Avenue and E Street.

Section 3. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code, City Council declares its intent to levy and collect an annual assessment for the Downtown Parking and Business Improvement District for fiscal year 2006-07.

Section 4. The authorized uses for the revenues derived from the assessment are stated in San Rafael Municipal Code Section 10.08.090, and no changes to these uses are proposed in the 2007-08 Annual Report. The authorized uses as stated in that section are:

- (1) Provision of occasional free parking meters within the District;
- (2) Decoration of any public place in the District;
- (3) Promotion of public events occurring in the District;
- (4) Furnish music in any public place in the District;
- (5) General promotion of trade activities in the District;

Section 5. A full and detailed description of the improvements and activities to be provided in fiscal year 2007-08, the boundaries of the area and the proposed assessments to be levied upon the businesses within the area are contained within the 2007-08 Annual Report of the Downtown Parking and Business Improvement District filed with the City Clerk by the Downtown Business Improvement District Board.

Section 6. A public hearing shall be held before the City Council on June 20, 2007 in the City Council Chambers, 1400 Fifth Avenue, San Rafael, California. Following the hearing, Council will consider adoption of a resolution levying the assessment as recommended by the Downtown Business Improvement District Board. At this hearing, Council will hear all interested persons and protests may be made orally or in writing. Written protests shall be filed with the City Clerk at or before the hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. Council may correct minor defects in the proceedings during the hearing. If written protests against the assessment are received from business owners that will pay fifty percent or more of the proposed assessment, no further proceedings to levy the assessment shall be taken for one year from the date of the finding of a majority protest by Council. If the majority protest by business owners is against the furnishing of a specified improvement or activity within the District, those improvements or activities shall be eliminated. In order to be counted towards a majority protest, each written protest shall be from the business owner and contain a business description sufficient to identify the business. If the protesting person is not shown on the City's official business license records as owner of the business, the protest shall contain written evidence that the person is the business owner.

Section 7. The City Clerk is hereby directed to give notice of said hearing by causing the Resolution of Intention to be published once in a newspaper of general circulation in the City of San Rafael not less than seven days before the public hearing.

I, JEANNE M. LEONCINI, City Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City held on the 21st day of May, 2007, by the following vote:

AYES: Councilmembers: Cohen, Heller, Miller, Phillips and Mayor Boro

NOES: Councilmembers: None

ABSENT: Councilmembers: None

/S/ JEANNE M. LEONCINI
Jeanne M. Leoncini, City Clerk