

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: John A. Russo
City Manager

Date: May 15, 2012

Re: Adopt a Resolution of Intention to Levy an Annual Assessment on the West Alameda Business Association Business Improvement Area of the City of Alameda for FY12-13 and Set a Public Hearing for June 5, 2012 to Levy an Annual Assessment on the West Alameda Business Association Business Improvement Area

BACKGROUND

In 1989, following the Parking and Business Improvement Area Law in the California Streets and Highways Code, the City of Alameda's City Council established regulations for Business Improvement Areas (BIA) in the Park Street and Webster Street commercial areas. The City's regulations are codified in the Alameda Municipal Code (AMC), Section 6-7. This report is for the Webster Street BIA, which is managed by the West Alameda Business Association (WABA). Revenues from the BIA directly benefit business owners in specified geographic zones through the general promotion of business activities and public events, beautification and ambiance, construction and maintenance of parking facilities, and special projects benefitting that business area.

State law and the AMC require the City Council to work in collaboration with a BIA advisory board. The board prepares an annual report and provides recommendations to the City Council on the proposed expenditure of BIA revenues for its respective geographic area.

State law and the AMC also require an annual review by the City Council and a yearly consideration of the assessment. WABA's Board of Directors, designated as the BIA's advisory board, has prepared the Annual Renewal Report for fiscal year (FY) 2012-2013. This report is on file with the City Clerk. After City Council approval of the report, state law requires a Resolution of Intention be adopted declaring the City's intention to levy assessments for the coming fiscal year. The City Council must also set a public hearing to approve the new assessment.

DISCUSSION

Pursuant to their existing agreement with the City, and as required by State law, WABA has submitted the attached Annual Renewal Report for City Council approval. Information contained in the WABA BIA renewal report includes the Proposed Assessment for the WABA BIA (Exhibit 1), the WABA FY 2012-2013 Budget (Exhibit 2), the list of the WABA Board of Directors (Exhibit 3), and the Association's By-laws (Exhibit 4). WABA's budget was approved on April 19, 2012. This year's renewal is more comprehensive than past years, and in the future the reporting will expand for purposes of detail and transparency. The WABA Board of Directors will be required to submit an annual audit and detailed budget, as well as a year-end summary of the work plan contained in the renewal. Staff also recommends that future election proceedings be overseen by a neutral organization, such as the League of Women Voters, to ensure proper procedure.

The BIA is funded from fees collected by the City from all businesses within the geographic zone. The WABA BIA currently has approximately 140 members, and annual fees vary depending on the type of business and its location. Per the original Ordinance 2435, each year the BIA assessment gets an automatic Consumer Price Index (CPI) increase based on the San Francisco Area CPI. This year's CPI increase of 3.5% raises the average business fee to approximately \$273, for an annual BIA collection total of about \$38,000. Included with this report is the FY 2012-2013 BIA assessment fee schedule (Exhibit 5), a map of the BIA (Exhibit 6), as well as a BIA address list within the respective areas (Exhibit 7).

According to AMC Section 6-7.3, BIA money is restricted to five different uses within the area: the general promotion of business activities, promotion of public events, decoration of any public place, furnishing of music in any public place, and the acquiring, construction, and/or maintenance of parking facilities. Included in WABA's Proposed Assessment is a Work Plan outlining their use of BIA funds. WABA's signature events, which attract thousands of patrons to the District, include the Neptune Beach Community Celebration in partnership with the Chamber of Commerce, a semi-weekly year-around Farmer's Market, Halloween on Webster, Santa on Webster, 4th of July Parade, Wine & Dine, and a Wine Walk. In addition to their annual events, WABA advertises special events through print media in area newspapers and local radio, distributes marketing literature, creates and distributes a District-wide events calendar. These activities are designed to improve the vitality of the District in order to increase sales and sales tax revenues, promote members' businesses, attract new businesses, and increase the overall business atmosphere throughout the District.

The annual BIA assessment requires a two-step process. First, the City Council must approve the Annual report and pass a Resolution of Intent to Levy an Assessment and, second, hold a Public Hearing to levy the assessment. The Public Hearing is scheduled for June 5, 2012. At the Public Hearing, the City Council can modify the Assessment Report or confirm the report as filed. All BIA members receive notification of the Public Hearing in addition to instructions on how to protest the BIA renewal, should they wish

to do so. FY 2012-13 Assessments cannot be levied if 50% or more of business owners protest the proposed assessment.

FINANCIAL IMPACT

To maximize cost and resource efficiencies, the City's Finance Department has integrated the BIA assessment process with the business license renewal process. Staff bills for and collects assessments for the BIA at the same time it bills for and collects business license fees. Finance Department staff review the status of accounts, answer all related businesses inquiries, address collections, and process checks for the BIA. In processing the BIA assessments for WABA, the Finance Department expenditures are estimated at approximately \$5,000. In addition, Economic Development and City Attorney staff time is needed to prepare the assessment, draft and review reports, and provide general support to the BIA. This staffing cost has been absorbed within existing staff workloads in an attempt to provide indirect financial support to the business districts.

In an effort to recoup operating costs, staff may recommend that WABA include a percentage of staff administrative costs in its future budgets. Also, if there is a cost associated with the effort to oversee elections, it should be included in future budgets.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The renewal of the BIA for another year supports the goals of the Economic Development Strategic Plan through continued operation of the business association consistent with A.M.C. Sec. 6-7 et seq.

ENVIRONMENTAL REVIEW

This action involves government fiscal activities which do not involve any commitment to any project which may result in a potentially significant physical impact on the environment and is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15378(b)(4).

RECOMMENDATION

Adopt a Resolution of Intention to Levy an Annual Assessment on the West Alameda Business Association Business Improvement Area of the City of Alameda for FY12-13 and Set a Public Hearing for June 5, 2012 to Levy an Annual Assessment on the West Alameda Business Improvement Area.

Honorable Mayor and
Members of the City Council

May 15, 2012
Page 4 of 4

Respectfully submitted,



Lori Taylor
Community Development Director

By:



Susan Haley
Administrative Assistant II

Financial Impact section reviewed,

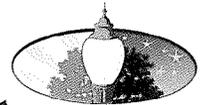


Fred Marsh
Controller

Exhibits:

1. Proposed Assessment Report for the West Alameda Business Improvement Area
2. WABA FY 2012-13 Budget
3. WABA Board of Directors
4. WABA By-laws
5. BIA Assessment Fee Schedule FY 2012-2013
6. BIA Boundaries Map
7. BIA Address List

cc: Economic Development Commission
West Alameda Business Association



WEST ALAMEDA
BUSINESS ASSOCIATION

510.523.5955 • West_Alameda@yahoo.com

P.O. Box 215 • Alameda, CA 94501

April 17, 2012

Lori Taylor
Community Development director
City of Alameda
2263 Santa Clara Ave.
Alameda, CA 94501

Dear Ms. Taylor:

As President of the West Alameda Business Association, I am pleased to submit the attached BIA Report, accompanying the 2012 BIA budget for our Association and a listing of the current WABA Board of Directors.

We have provided a description of the activities WABA is proposing for the upcoming year and the associated line item budget. The attached budget was approved by the WABA Executive Board on April 16 and will be voted on by the full Board of Directors on April 18. Once approved, the WABA Manager will forward a final copy to you. Our anticipated BIA revenue is \$36,000 and we do not anticipate any carryover.

We would be glad of to answer any questions you have regarding the attached material.

Sincerely,

Brad Shook
President
West Alameda Business Association

**City Council
Exhibit 1 to
Agenda Item #5-I
05-15-12**

WEST ALAMEDA BUSINESS ASSOCIATION
P.O. BOX 215, Alameda, CA 94501
(510) 523-5955 West_Alameda@yahoo.com
www.WestAlamedaBusiness.com

**PROPOSED ASSESSMENT FOR THE
WEST ALAMEDA BUSINESS IMPROVEMENT AREA
FISCAL YEAR JULY 1, 2012 – JUNE 30, 2013**

INTRODUCTION

The West Alameda Business Association (WABA) is recommending the following assessment for the Webster Street Business District for fiscal year (FY) 2012-2013. The formulas, budget and proposed activities are the result of various Board and Committee meetings. The Business Improvement Area (BIA) Budget was approved by the Executive Board on April 16, and was formally confirmed by the Board's via electronic vote April 19, 2012 meeting.

PROPOSED CHANGES

WABA is not recommending any changes to the Business Improvement Area.

ACTIVITIES

The following is a summary of proposed activities for the fiscal year 2012-2013. These activities have been discussed at various Board and committee meetings. WABA's mission is to use these activities to increase the vitality of Webster Street and West Alameda and to preserve Webster Street's historic character. We seek to promote West Alameda by planning activities and marketing which will generate more foot traffic, increase sales and sales tax revenue, promote members' businesses and increase the public goodwill and atmosphere in West Alameda.

The BIA is the source of funding for these activities. WABA will continue its current activities and implement others that follow the Main Street Four-Point Approach established by the National Trust for Historic Preservation.

It is estimated that there will be no carry forward from the 2011-2012 budget.

WABA will prepare an annual report of this year's activities in April 2013.

The estimated BIA revenue for 2012-2013 is \$36,000.

The following are activities proposed for 2012-2013. Several projects are continuations from previous fiscal years.

ECONOMIC RESTRUCTURING COMMITTEE

- Facilitate development of high-potential properties
- Work with the City and local realtors to attract appropriate businesses
- Monitor the impact of new and reuse projects in West Alameda
- Work with the City and others to implement the Strategic Economic Development Plan, including parking plan, catalyst project and business attraction strategies
- Continue business retention activities

DESIGN COMMITTEE

- Continue to develop beautification program and identify opportunities to further the program
- Build broad-based community support for ongoing projects
- Continue to work with businesses to insure compliance with sign ordinance and design criteria
- Continue the quarterly banner change program as part of the beautification of Webster Street
- Fulfill public art requirements to meet new criteria developed by staff
- Work with the City in accomplishing Phase II of the Webster Renaissance Project
- Identify projects for façade improvements, should funding become available
- Work with City departments to continue implementation of the Webster Street Visioning Plan

EVENTS COMMITTEE

- Partner with the Chamber of Commerce to produce Neptune Beach Community Celebration festival on Webster Street in October, which brings 25,000 – 30,000 participants to Webster Street and West Alameda
- Participate in the community July 4th parade that ends on Webster Street and brings families into local businesses.
- Produce year-round Farmers' Markets on Tuesdays and Saturdays, which bring hundreds of visitors from Alameda and surrounding communities
- Produce annual Halloween and Santa on Webster events, which attract hundreds of families to local businesses
- Produce a Wine & Dine event in June to promote Webster Street restaurants and local wineries
- Produce a Wine Walk in September to promote local wineries and to increase foot traffic to area businesses

PUBLIC RELATIONS

- Generate increased favorable publicity about West Alameda
- Advertise special events through print media, local radio, email distribution of event details and flyers
- Maintain contact with key media representatives
- Update and distribute marketing literature promoting West Alameda businesses
- Continue implementing strategic marketing plan, including branding strategy, website, weekly columns, calendar of events, cooperative advertising program, social media marketing and business attraction strategy

ORGANIZATION

- Organize and host business and community events for members to promote and grow business sales and visitors
- Continue to implement an enhanced maintenance program, through special clean-up events and through collaboration with City maintenance staff in resolving issues such as illegal dumping, littering and other public health hazards
- Manage the administrative activities of the organization
- Expand community and business participation with WABA
- Conduct annual self-evaluation of Board members and staff
- Conduct an annual audit of the association with an outside agent
- Recruit members from outside the BIA and among area residents
- Distribute information door-to-door
- Involve important neighbors, e.g. College of Alameda, Marina Village, Alameda Point, Cardinal Point in WABA's activities
- Implement enhanced volunteer program, including recruitment, volunteer appreciation activities and training

METHOD & BASIS OF LEVYING ASSESSMENT

Budget, see Attachment A

Bylaws, see Attachment B

Assessment, see Exhibit 3

CONCLUSION

WABA would like to thank the Alameda City Council, City Attorney, Development Services, Public Works, Planning and Finance Departments for their assistance in implementing the BIA. Please visit the WABA website, www.westalamedabusiness.com, to see the many ways WABA promotes the West End. The BIA is a valuable tool in our continuing efforts to revitalize West Alameda's historic business district.

**West Alameda Business Association
2012-2013 Budget**

INCOME

BIA (projected)	\$36,000
Other/Non BIA Dues	\$5,000
Parking Administration	\$1,800
Total Income	\$42,800

EXPENSES

General & Administrative	
Salaries/Benefits/Taxes	\$20,000
Payroll Taxes	\$5,000
Rent	\$4,800
Utilities (ACI, phones)	\$5,200
Insurance	\$2,100
Office (Equipment, Parkg Pass, dues & subscriptions)	\$2,000
Contingency	\$1,000
Accounting/Tax Prep	\$1,600
Subtotal-General & Administrative	\$41,700
Marketing	
Banner Changes	\$3,225
Banner Replacement	\$1,500
Printing	\$200
Web Hosting	\$180
Website Maintenance	\$2,100
Subtotal-Marketing	\$7,205
TOTAL EXPENSES	\$48,905

Net Income(Loss)	(\$6,105)
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Beginning Reserve Balance - 1/1/2012	\$103,080
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Ending Reserve Balance - 12/31/2012	\$96,975
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<p>Brad Shook, President Bladium Sports Club 800 West Tower Alameda, CA 94501</p>	<p align="center">West Alameda Business Association</p> <p align="center">Board</p> <p align="center">2012-2013</p> <p align="center">(Elections Every October) (Officer Elections Every January)</p> <p align="center">01-19-2012</p>	<p>John Mascali, Burger King 15091/2 Webster Street Alameda, CA 94501</p>
<p>Sandip Jariwala, Vice President, Economic Development Hawthorn Suites 1628 Webster Street Alameda, CA 94501</p>		<p>Chris Piedad Back to Health 711 Santa Clara Avenue Alameda, CA 94501</p>
<p>Sam Koka, Secretary SK Auto 650 Pacific Avenue Alameda, CA 94501</p>		<p>Kent Rosenblum, Emeritus Rock Wall Wine Company 2301 Monarch Alameda, CA 94501</p>
<p>Sherilyn Escoto, Treasurer, Events TPNB 1442 Webster Alameda, CA 94501</p>		<p>Jannett Jackson, Advisory, Design College of Alameda 555 Atlantic Avenue Alameda, CA 94501</p>
<p>Steve Case, Organization/Membership Parco Neptune Palace 1546 Webster Street Alameda, CA 94501</p>		<p>Carolyn Lantz, Manager 1509 ½ Webster Street P.O. Box 215 Alameda, CA 94501</p>

West Alameda Business Association By-laws

ARTICLE 1 NAME

The name of this organization shall be the West Alameda Business Association (the Association). The board of directors of the Association (the Board) shall determine the location of the principal offices of the Association within Alameda, California.

ARTICLE 2 PURPOSE

The West Alameda Business Association is a non-profit organization dedicated to supporting and advocating for local businesses in West Alameda and Webster Street in order to promote a flourishing and successful business and community environment. The Association will provide leadership in the following areas: Organization: encouraging cooperation and building business leadership to support the Association's goals. Promotion: maintaining a high level of visibility for Association programs, events and mission and enhancing relationships between the community, government agencies, local businesses and prospective business partners. Design: establishing and maintaining standards for business district's physical appearance. Economic Development: to spearhead efforts to support local businesses, to attract and retain new businesses and to provide leadership for business community planning, growth and development. Fiscal Management: to receive, administer and distributed funds in connection with any activities related to the above purpose. No part of the earnings of the Association will inure to the benefit of any of its members or any other individual. The Association and its staff will not participate in, or intervene in, any political campaign on behalf of any candidate for public office.

ARTICLE 3 PROGRAM AREA

The program area for the Association primarily encompasses the Business Improvement Area (BIA) established by the City of Alameda around Webster Street in Alameda, California.

ARTICLE 4 MEMBERSHIP

Section 1 Businesses within BIA

Persons operating a licensed business or profession within the Association's area (BIA members) become members of the Association by virtue of their BIA assessment, which is automatically paid as part of City of Alameda business license annual fees.

Section 2 Approval of Members-At-Large

All non-BIA members who wish to join the Association will be considered members-at large. Applications for membership by members-at-large must be approved by a simple majority of the Board. Should the board deny an application of a member-at-large, it may be reviewed by the general membership at the next scheduled meeting. The membership may override the board's decision by a two-thirds vote of members present.

Section 3 BIA Assessments

BIA members that are current on BIA assessments are members in good standing. The Association Staff will initiate steps approved by the board to ensure the payment of any yearly assessment not paid by September 1 of each calendar year.

Section 4 Dues of Members-At-Large

Members-at large owe dues in the amount set by the board of directors, payable by January 1 for the coming year. The Treasurer is charged with notifying the board of all unpaid dues at the September board meeting. The board is then responsible for either obtaining the dues or suspending membership. A member-at-large is considered suspended until such time as the Treasurer certifies to the board that the delinquent dues have been paid. The Secretary is responsible for written notification of suspensions and reinstatements.

ARTICLE 5 MEMBERSHIP MEETINGS

Section 1 Annual Meetings

The annual meeting of the membership is held before the end of November each calendar year to elect new officers and directors. The board of directors shall set the time and location for this meeting. All members shall be notified in writing no less than five (5) days prior to the meeting. Written notification may be in the newsletter.

Section 2 Special meetings

Ten (10) active BIA members through a written petition to the Association, the President, Vice President or three (3) board members may call a special meeting of the membership. All members shall be notified in writing not less than five (5) days prior to the meeting. The notice must include the date, time and place of the meeting and subjects to be discussed. Written notification may be in the newsletter. If written notice is mailed, such notice shall be deemed delivered three business days after it has been deposited, postage paid, in a United States mailbox, addressed to the member at the member's address as it appears on the Association's records of membership. Attendance of a member at a membership meeting shall constitute a waiver of notice of such meeting, or manner in which it was called or convened, except when a member attends a meeting solely for the purpose of stating, at the beginning of the meeting, any such objection to the transaction of any business.

Section 3 Quorum

There shall be no set number constituting a quorum as long as notice of the meeting has been made as set forth in this Article and at least one officer is present.

Section 4 Voting at Annual Meeting of Membership

Each business constitutes one membership (one vote), unless more than one association membership is paid for and maintained in good standing. BIA members in good standing shall be entitled to cast one (1) vote in person or by proxy. Members-at-large shall be entitled to cast one (1) vote, in person or by written proxy, providing dues have been paid current at least 60 days prior to the vote.

ARTICLE 6 BOARD OF DIRECTORS

Section 1 Number

A board of seven (7) directors, five (5) of which shall be BIA members and two (2) of which shall be business or property owners/representatives from West Alameda (area west of Grand Ave.), elected by the Association's members eligible to vote, shall govern the Association. At no time shall the maximum number of non-BIA members, serving as Board directors, exceed two (2).

Section 2 Term of Office

Each officer and director of the Board shall begin his or her term at the start of the calendar year following his or her election and shall hold office for the term for which he was elected and until a successor is elected and qualified. The term of office for each director shall be three (3) years.

Section 3 Elections

Nominations for new members to the Board of Directors will be confirmed by the Executive Committee of the Board. Any eligible member shall notify the staff or a Board member of his or her intention to be considered a nominee, prior to the annual meeting or before the start of voting at the annual meeting. Ballots, approved by the Executive Committee, shall be mailed to the members in good standing at least 5 days prior to the annual meeting with a return envelope for proxy votes. All proxy votes, properly sealed and identified, shall be delivered to the President or Vice President of the association at or before the annual meeting. At the annual meeting, the names of the nominees shall be announced and members eligible to vote at the meeting may make nominations from the floor. If a board vacancy has only one nominee, the vacancy shall be considered filled by unanimous vote. Should there be more than one nominee for any vacancy, it shall be filled by a majority secret ballot vote of the members present and eligible to vote and all verified proxy votes in the possession of the Secretary. The Vice President and Secretary shall conduct elections. The Board of Directors shall elect officers for the upcoming calendar year at the January meeting of the Board.

Officers

The Board of Directors will elect officers for the calendar year at the January meeting.

Section 4 Board Vacancy

Any vacancy occurring in the board of directors (other than a vacancy resulting from the normal expiration of a term of office) may be filled by the affirmative vote of a majority of the current members of the board of directors. A director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office. Any director may resign by submitting written notice of resignation to the Secretary. Any director may be removed from office at any time with or without cause by the affirmative vote of two thirds of the directors in office upon ratification by the general membership. A director absent from two (2) consecutive regular board meetings or three meetings during a

twelve month period without just cause may be removed from the board by a two-thirds (2/3) vote in the affirmative, without the ratification of the general membership.

Section 5 Board Authority

The board of directors shall have the authority to conduct the business of the Association. The Officers of the Association shall direct the Association's staff, through Executive Committee (Officers and staff) meetings to perform the day to day operations of the Association.

All decisions requiring board resolutions will be presented for voting to the board members, with complete information about the issue, by the Association's President or by the staff, at the direction of the President.

All important issues that require the association to take action, and that affect the business operations of BIA members, and/or important changes to the present and future structure of the association will be communicated in a timely manner to the association's members and actions relating to such issues and changes shall only be taken by the board members and/or staff based on the feedback received from the members.

The association's staff and board members shall not make any commitments to any persons or groups that would obligate the association to be bound by any decisions, reached as a result of compromise or consensus made by those persons and groups, in cases where the decisions would affect the association's structure, functioning and/or business operations of it's members in any way, unless such commitments and obligations have first been presented for discussion to the association's board members and the board has voted in favor of authorizing the association's representatives to act on behalf of the association to make such commitments and obligations.

Issues that require board resolutions or that require the association's board members and staff to take actions on behalf of the association and it's members, any board member or staff that is personally involved and would derive financial, professional or personal benefit as a result of the association's discussions, resolutions and/or actions relating to such issues, that board member or staff person shall abstain themselves from such discussions, resolutions or actions.

Section 6 Fiscal Responsibility

No individual officer or director shall have the authority to incur a debt in the name of the Association in excess of the total funds held in Association checking accounts and the board of directors acting as a whole shall have no authority to incur a debt in the name of the Association in excess of the total funds held in Association checking accounts or any foreseeable income from Association events or projects.

Section 7 Suspension

Upon suspension, as provided in Article 4 or failure to pay BIA assessments or association membership fees current as of September 1, a member elected as a member or officer of the board of directors shall relinquish any authority connected to board membership or his office until such time as the officer or director is properly reinstated in good standing.

Section 8 Meetings

- Regular meetings of the board shall occur monthly. The board may set the time and place by resolution and no further notice need be given.
- The President or three (3) directors may call a special meeting of the board. Notice of a special meeting shall be made to all board members at least three (3) business days prior to the meeting and shall include the reasons for calling the meeting, who called the meeting and the subjects of the meeting.
- Board meetings are open to members in good standing and invited guests of the board, except those meetings specifically designated as executive sessions. Board meetings can move from open session to executive session by a majority vote of board members present.
- Four (4) board members, to include at least one (1) officer, shall constitute a quorum for the transaction of business. If there are not three (3) board members including at least one (1) officer present then those present may adjourn the meeting.

Section 9 Telephonic Participation

Unless otherwise prohibited by law, if the meeting place of the board has facilities and equipment to accommodate such participation, it is permissible for a board member to participate and vote in a regular or special meeting by telephone or video conference so long as a quorum otherwise exists and the member participating by telephonic or video conference can hear all comments of the board and can be heard by all board members

Section 10 Directors Acting Without a Meeting

Without a meeting, the board may take any action required or permitted to be taken at any meeting of the board of directors, if all members of the board consent thereto in writing, setting forth the action so taken, and the writing or writings are filed with the minutes of the proceedings. Such consent shall have the same force and effect as a unanimous vote of the board. Consent in writing may be given electronically.

Section 11 New Member Orientation

All new members of the board of directors shall participate in an orientation program familiarizing them with the goals and objectives of the Association and with their responsibilities.

Section 12 Non-Voting Board Members

Advisory Members:

The President of the College of Alameda or his/her designee shall be a non-voting advisory member of the board of directors. The board may designate additional nonvoting advisory members to the board of directors.

Honorary Members:

The Board may designate Honorary Board members who are non-voting members of the board.

Members-at-large:

The Board may designate non-voting Board members-at-large comprised of community

representatives.

Section 13 Compensation

Officers, Directors and members of committees may not receive compensation for their services except as set forth in a written proposal approved in advance by resolution of the board. Officers, directors and members of committees may be reimbursed for expenses only as determined in advance by resolution of the board of directors.

ARTICLE 7 Committees

Section 1 Standing Committees

This Association shall have at least four (4) standing committees: Events/Promotion, Design, Economic Development and Organization. Each committee shall consist of not less than three (3) members. In the event the chairperson of the committee is not a board member, a board member should serve on the committee.

Section 2 Committee Appointment

Standing committee members and chairs are nominated by the President and confirmed by the board. The President may appoint members and chairs to committees other than standing committees.

ARTICLE 8 Officers

Section 1 Officers

The officers of the Association shall consist of a President, a Vice President, a Secretary, and a Treasurer. Officers shall be elected as prescribed in Article 6, Section 3.

Section 2 President

The President shall chair board and membership meetings. The President shall appoint all committees except standing committees, which require board confirmation. The President is the only board member authorized to enter into contractual agreement with any individual or outside agencies, both public and private.

Section 3 Vice President

The Vice President shall have such duties and responsibilities as the President or board of directors may from time to time prescribe. In the absence or incapacitation of the President, the Vice-President shall discharge the duties of President.

Section 4 Secretary

The Secretary shall maintain a complete record of the board and membership meetings and shall see that board members and general members are notified of meetings as prescribed in prior sections. The Secretary is responsible for making written notification of suspension and reinstatement of members.

Section 5 Treasurer

The Treasurer shall, with the executive director, keep complete financial records of the Association. These records shall be available at all times to the board. This officer is

also to insure that checks are not drawn against insufficient funds. The treasurer is responsible for insuring that each check over \$ 250.00 is signed by two of the designated signatories and that expenditures receive any necessary prior approval. All bills or other indebtedness must be paid with proper documentation to support such payment. The Treasurer shall be responsible for having a balance sheet prepared after the close of the fiscal year as prescribed in Article 10 and for making notification to the board members of unpaid dues and assessments as prescribed in Article 4.

ARTICLE 9 Association Staff

The Staff of the Association shall manage the daily operations of the Association. The Association Staff shall be responsible for coordinating the implementation of the Association's policies and projects and such other duties as the board of directors may require. The Association Staff shall receive for his or her services such compensation as may be determined by the board of directors. The Staff of the Association shall be a nonvoting member of the board of directors and shall be present at all board meetings and general membership meetings. Except as approved by resolution of the board, only the designated Association Staff may speak on behalf of the Association.

ARTICLE 10 Finances

Section 1 Signatures on Contracts and Instruments for the Payment of Money

Except as the board of directors may generally or in particular cases authorize the execution thereof in some other manner, all contracts or instruments for the payment of money, including checks and drafts and all instruments of transfer of securities exceeding \$ 250.00 shall be signed in the name and on behalf of the Association by any two (2) of the following people: a designated Association Staff person, the President or Treasurer or Secretary.

Section 2 Financial Institutions

All funds of the Association shall be deposited from time to time to the credit of the Association in such banks, trust companies or other depositories as the board of directors may select.

Section 3 Acceptance of Funds

The board of directors may accept on behalf of the Association any contribution, gift, bequest or device for the general purposes or for any special purpose of the Association.

Section 4 Budget

Each year the board shall approve a budget for the calendar year, and forward that portion of the budget that represents BIA funds to the City of Alameda for its approval. The approved budget may be reviewed and revised periodically as deemed necessary by the board.

Section 5 Fiscal Year

The fiscal year of the Association shall begin on the first day of January and end on the last day of December in each year.

Section 6 Financial Reports

Not later than three months after the close of each fiscal year, the Association shall prepare:

- A. A balance sheet showing in reasonable detail the financial condition of the Association at the close of the fiscal year;
- B. A statement of the source and application of funds showing the results of the operation of the Association during the fiscal year.

ARTICLE 11 Amendments and Miscellaneous Provisions

Section 1 By-law Amendments

A two-thirds (2/3) vote of the members present at any general membership meeting may pass amendments to the by-laws provided such written notification has been made at least five (5) days prior to the meeting and the notification included the proposed amendments.

Section 2 Dedication of Assets

The property and assets of the Association are irrevocably dedicated to its purposes as stated in Article 2. No assets, upon dissolution, shall inure to the benefit of any private person or any member, director, officer or staff person of this association. Upon dissolution of the Association, a two-thirds (2/3) vote of the eligible members present at a special meeting, may direct that the Association's assets be transferred and dedicated to another organization with purposes similar to the Association's.

**WEBSTER STREET BUSINESS IMPROVEMENT AREA
ALAMEDA BUSINESS IMPROVEMENT AREA - NON-RETAIL
FISCAL YEAR 2012-13**

Professionals and independent contractors who primarily go out into the public to sell to clients and/or do not operate retail stores.

Accountant			
Advertising			
Ambulance		AREA A = \$ 139.00	
Answering service			
Architect		AREA B = \$ 90.00	
Attorney			
Building maintenance			
Business services			
Construction			
Consultants			
Contractors			
Counselor			
Credit Unions with restricted membership			
Decorator		PRO-RATED FEES	
Electrician			
Employment		A	B
Engineer			
Gardener		<u>\$139.00</u>	<u>\$ 90.00</u>
Graphic arts			
Handyman	JULY	139.00	90.00
Health/Medical professions			
Importers	AUG	127.00	83.00
Insurance			
Landscape	SEPT	116.00	75.00
Mail order			
Manufacturer	OCT	104.00	68.00
Manufacturer's/sales reps			
Mortuary	NOV	93.00	60.00
Newspaper publishing			
Nursing facility	DEC	81.00	53.00
Painters			
Pest control	JAN	70.00	45.00
Plumber			
Property management	FEB	58.00	38.00
Real estate			
School/Instruction	MAR	46.00	30.00
Security			
Stockbrokers	APR	35.00	25.00
Tax consultants			
Travel	MAY	25.00	25.00
Veterinary			
Wholesalers	JUNE	25.00	25.00
Misc. professional/office			

**City Council
Exhibit 5 to
Agenda Item #5-1
05-15-12**

**WEBSTER STREET BUSINESS IMPROVEMENT AREA
ALAMEDA BUSINESS IMPROVEMENT AREA - RETAIL SERVICE
FISCAL YEAR 2012-13**

Businesses that operate a store where people go to purchase a service.

Alarm and fire extinguisher service

Appliance service

Athletic/Health Club

Auto glass

AREA A = .40/1,000 GR

Auto upholstery

MINIMUM = \$ 134.00

Auto wash/parking

MAXIMUM = \$1,763.00

Auto repair

Barber

AREA B = .20/1,000 GR

Beauty

MINIMUM = \$ 87.00

Cleaners

MAXIMUM = \$866.00

Electronics service

Furniture repair

Hotel/motel

Keys/Locksmith

PRO-RATED MINIMUM FEES

Laundromat/laundry

A

B

Marine service

\$139.00

\$90.00

Pet services

Photography studio

JULY

139.00

90.00

Printing

Shoe service

AUG

127.00

83.00

Storage

Tailor

SEPT

116.00

75.00

Tattoo

Upholstery

OCT

104.00

68.00

NOV

93.00

60.00

DEC

81.00

53.00

JAN

70.00

45.00

FEB

58.00

38.00

MAR

46.00

30.00

APR

35.00

25.00

MAY

25.00

25.00

JUNE

25.00

25.00

**WEBSTER STREET BUSINESS IMPROVEMENT AREA
ALAMEDA BUSINESS IMPROVEMENT AREA - RETAIL GOODS
FISCAL YEAR 2012-13**

Businesses that operate a store where people go to purchase a product.

Alcoholic
Amusement
Antiques
Appliances sales
Art
Auto dealer
Auto stereo
Auto supply
Bakery
Bar
Bicycles
Books
Clothing
Coin
Computer sales
Drug/variety
Electronics sales
Fishing
Floor coverings
Florist
Food
Furnishings
Furniture
Gasoline stations
Gift
Hardware
Hobby
Jewelry
Magazines/newspaper sales
Marine sales
Market
Medical supplies
Music
Nursery
Office supplies/equipment
Optical supplies
Pet supply
Product rentals
Restaurant
Shoe sales
Sporting goods
Thrift/used merchandise
Theater/club
Video
Other retail goods

AREA A = .40/1,000 GR
MINIMUM = \$ 273.00
MAXIMUM = \$1,825.00

AREA B = .20/1,000 GR
MINIMUM = \$ 139.00
MAXIMUM = \$ 917.00

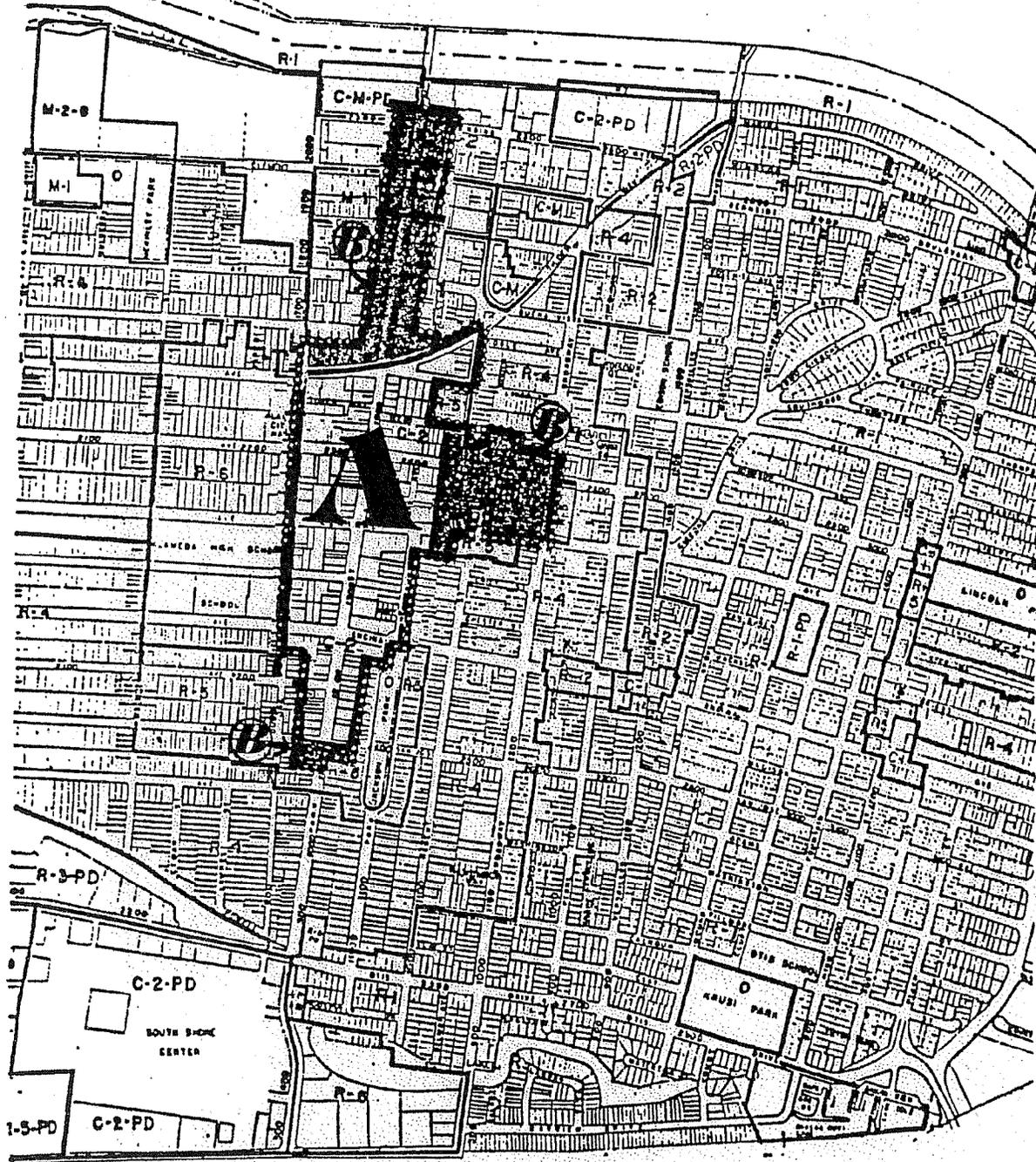
PRO-RATED MINIMUM FEES

	A	B
	<u>\$273.00</u>	<u>\$139.00</u>
JULY	273.00	139.00
AUG	250.00	127.00
SEPT	228.00	116.00
OCT	205.00	104.00
NOV	182.00	93.00
DEC	159.00	81.00
JAN	137.00	70.00
FEB	114.00	58.00
MAR	91.00	46.00
APR	68.00	35.00
MAY	46.00	25.00
JUNE	25.00	25.00

**WEBSTER STREET BUSINESS IMPROVEMENT AREA
ALAMEDA BUSINESS IMPROVEMENT AREA
FINANCIAL INSTITUTIONS/UTILITIES
FISCAL YEAR 2012-131**

Banks
Savings and Loans
Credit Unions operating to the general public
Utilities

AREA A & B = \$ 917.00



PARK STREET COMMERCIAL AREA

A: Benefit Area A

B: Benefit Area B

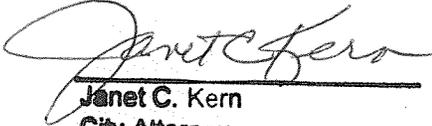
LIST OF ADDRESSES WITHIN BIA BOUNDARIES

A ZONE

Alameda Ave	1200-2399 odd/even	Park Street
Buena Vista Ave	616-750 odd/even	Webster St
Central Ave	630-736 odd/even	Webster St
	2300-2499 odd/even	Park Street
Eagle Ave	633-707 odd/even	Webster St
Encinal Ave	2300-2499 odd/even	Park Street
Haight St	629-728 odd/even	Webster St
Lincoln Ave	627-726 odd/even	Webster St
Oak Street	1300-1599 even only	Park Street
Pacific Ave	626-730 odd/even	Webster St
Park Ave	1300-1399 odd only	Park Street
	1400-1499 odd/even	Park Street
Park Street	1125,1198,1252-1999 odd/even	Park Street
San Antonio Ave	2312-2399 odd/even	Park Street
Santa Clara Ave	700-720 odd/even	Webster St
	2300-2499 odd/even	Park Street
Taylor St	634-725 odd/even	Webster St
Times Way	2300-2399 odd/even	Park Street
Webb Ave	2400-2499 odd/even	Park Street
Webster St	1345-1999 odd/even	Webster St

B ZONE

Broadway	1400-1509 odd only	Park Street
Central Ave	2501,2521	Park Street
Everett St	1400-1519 odd/even	Park Street
Park Street	1125,1198,1600-1999	Park Street
	1200-1251 odd/even	Park Street
Lincoln Ave	2267-2499 odd/even	Park Street
Santa Clara Ave	2500-2599 odd/even	Park Street


Janet C. Kern
City Attorney

CITY OF ALAMEDA RESOLUTION NO _____.

RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT ON THE WEST ALAMEDA BUSINESS IMPROVEMENT AREA OF THE CITY OF ALAMEDA FOR FY12-13 AND SET A PUBLIC HEARING FOR JUNE 5, 2012

WHEREAS, Section 6-7 of Article II of Chapter VI of the Alameda Municipal Code establishes the Alameda Business Improvement Area of the City of Alameda (hereinafter "Area"); and

WHEREAS, the Area comprises all of the Webster Street Business Area included by reference on the map and list of inclusive addresses included in this Resolution as Exhibit 6 and 7, respectively; and

WHEREAS, the improvements and activities authorized by the Ordinance include the general promotion of business activities in the Area, the promotion of the public events which are to take place on or in public places in the Area, the decoration of any public place in the Area, the furnishing of music in any public place in the Area, and the acquisition, construction or maintenance of parking facilities for the benefit of the Area; and

WHEREAS, agreements between the City of Alameda (hereinafter "City") and the West Alameda Business Association (hereinafter "WABA") designated WABA to administer Business Improvement Area (hereinafter "BIA") funds for their respective geographic zones of the BIA; and

WHEREAS, WABA has filed reports with the City Clerk describing the surplus or deficit revenues to be carried over from FY11-12 and describing the improvements and activities, estimated costs and methods and basis for levying the assessment for FY12-13.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that WABA is hereby designated as the BIA Advisory Body for FY12-13; and

BE IT FURTHER RESOLVED that the City Council hereby sets a public hearing to consider the annual assessment for the Area for June 5, 2012, at which time written or oral protests may be made; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to advertise said public hearing by causing this Resolution of Intention to be published once in a newspaper of general circulation in the City not less than seven days before the public hearing.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 15th day of May, 2012, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENCES:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 16th day of May 2012.

Lara Weisiger, City Clerk
City of Alameda