



**City of Emeryville**

**Citywide Property and Business Improvement District**

**Management District Plan**

**June 2015**

**Main Office**

32605 Temecula Parkway, Suite 100  
Temecula, CA 92592  
Toll free: 800.676.7516 Fax: 951.296.1998

**Regional Office**

870 Market Street, Suite 1223  
San Francisco, CA 94102  
Toll free: 800.434.8349 Fax: 415.391.8439

## **TABLE OF CONTENTS**

---

<b>1. EXECUTIVE SUMMARY</b>	<b>1-1</b>
1.1. The Emeryville Citywide Property and Business Improvement District .....	1-1
1.2. Goals.....	1-1
1.3. District Boundaries .....	1-1
1.4. District Management Plan Overview .....	1-1
<b>2. DISTRICT AT A GLANCE</b>	<b>2-1</b>
2.1. Emeryville Property and Business Improvement District Boundaries .....	2-1
2.2. Services .....	2-2
2.3. Annual Total Budget and Assessments .....	2-2
2.4. Term.....	2-2
<b>3. BACKGROUND</b>	<b>3-1</b>
3.1. What is a Property and Business Improvement District (PBID)? .....	3-1
3.2. The Assessment District Procedures Ordinance .....	3-1
3.3. Establishing a PBID .....	3-2
3.4. PBID Name Designation .....	3-2
3.5. Timeline for Implementation and Completion of the District .....	3-3
<b>4. DESCRIPTION OF SERVICES</b>	<b>4-1</b>
4.1. Shuttle Service .....	4-1
4.2. Management and Operations.....	4-1
<b>5. ANNUAL AMOUNT TO BE COLLECTED &amp; EXPENDED</b>	<b>5-1</b>
<b>6. METHOD OF ASSESSMENT</b>	<b>6-1</b>
6.1. Source(s) of Financing .....	6-1
6.2. Basis of Assessment .....	6-1
6.3. General Benefit Assignment.....	6-1
6.4. Special Benefit Point Assignment .....	6-1
6.5. Assessment Calculation .....	6-4
6.6. Number of Years Assessments Will Be Levied .....	6-5
6.7. Time and Manner of Collecting Assessments .....	6-5
6.8. Appeals Process .....	6-5
6.9. Assessor's Parcel Listing .....	6-5
<b>7. DISTRICT MANAGEMENT</b>	<b>7-1</b>
7.1. Board of Directors Composition – Emeryville Transportation Management Authority .....	7-1
7.2. Public Access.....	7-1

7.3.	TMA Operations Managment .....	7-1
7.4.	Disestablishment.....	7-2

<b>8. APPENDICES</b>	<b>8-1</b>
----------------------	------------

<b>APPENDIX A – BOUNDARY MAP</b>	<b>8-1</b>
----------------------------------	------------

<b>APPENDIX B – ASSESSOR’S PARCEL LISTING</b>	<b>8-2</b>
---	------------

<b>APPENDIX C – ENGINEER’S REPORT</b>	<b>8-3</b>
---------------------------------------	------------

---

# **1. EXECUTIVE SUMMARY**

## **1.1. *The Emeryville Citywide Property and Business Improvement District***

---

City of Emeryville (the “City”) property owners and the City of Emeryville City Council (the “City Council”) approved the formation of the property and business improvement district in 2001 for a five-year period. The original citywide property and business improvement district was renewed in 2006 for a ten year operational term. Since formation, the nonprofit Emeryville Transportation Management Authority has been working with the community to provide services that benefit property owners, residents, businesses and visitors by providing a means of access to various areas of the City, via the Emery Go-Round shuttle service. In August 2015, property owners will again be asked to establish the funding for services provided through the property and business improvement district for a 15-year period. If funding for services is approved for a new 15 year period beginning July 1, 2015 through June 30, 2030, the levy for the remaining year of the existing assessment district would not be imposed.

## **1.2. *Goals***

---

The goal of the Emeryville Citywide Property and Business Improvement District is to provide a long-term, stable and equitable means of funding the Emery Go-Round shuttle service.

## **1.3. *District Boundaries***

---

The boundaries of the District include the entire City. All parcels within the City that are also within a one-quarter mile walking distance to an Emery Go-Round shuttle stop are subject to the initial assessment.

## **1.4. *District Management Plan Overview***

---

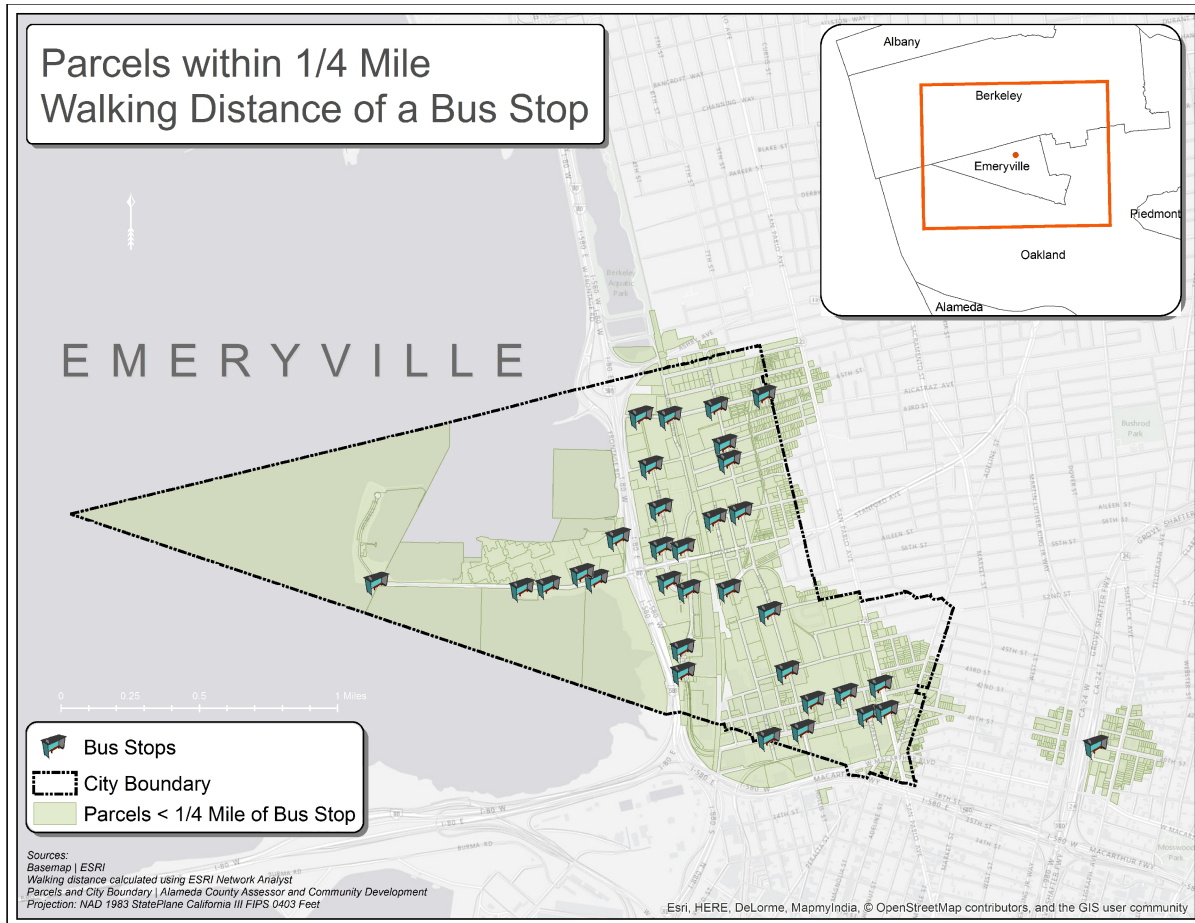
The Management District Plan is the result of the work of residents, businesses, City officials, and property owners dedicated to improving the City of Emeryville. The Management District Plan includes updated District boundaries, annual budget, assessment methodology and district management guidelines.

## 2. DISTRICT AT A GLANCE

In 2001, property owners established a citywide property and business improvement district for a five year operational term. The original citywide property and business improvement district was renewed in 2006 for a ten year operational term. Based on the success of the prior districts, property owners, stakeholders, merchants and residents have shown support to establish a new property and business improvement district with adjustments to the assessment methodology.

### 2.1. Emeryville Property and Business Improvement District Boundaries

The boundaries of the District include the entire City. All parcels within the City that are also within a one-quarter mile walking distance to an Emery Go-Round shuttle stop are subject to the initial assessment. The following map shows the location of each Emery Go-Round stop, and the parcels within a one-quarter mile walking distance of such stops:



Refer to Appendix A for an assessment diagram that more fully provides a description of the District's boundaries.

## **2.2. Services**

---

The improvements, maintenance and activities provided in this plan include the provision of the Emery Go-Round shuttle service and various management activities to support those efforts.

## **2.3. Annual Total Budget and Assessments**

---

The total proposed annual operating budget for Fiscal Year 2015/16 is \$3,865,380.76. Assessment revenue of \$3,409,869.45 provides 88.22% of the annual operating budget. The remaining portion of the annual operating budgets will be generated from sources such as City General Fund contributions, grants, donations, fees for service contracts for unassessable property within the Emery Go-Round service area and in-kind donations. The assessment calculation for each property utilizes a combination of land use, building square footage, and dwelling units. The Method of Assessment section of this Management Plan provides a more detailed procedure of the annual assessment calculation.

## **2.4. Term**

---

If established, assessments would be collected for fifteen years (July 1, 2015 through June 30, 2030). Expenditure of those collected assessments can continue for up to six months after the end of the assessment collection period (December 31, 2030), at which point the District would terminate, if not renewed nor expanded.

### **3. BACKGROUND**

Property owners establish special assessment districts to provide a constant funding source for various improvements, maintenance and activities that benefit properties within a defined geographical area. The improvements, maintenance and activities can include providing enhanced cleaning and maintenance services, improving security, providing for marketing activities to promote and revitalize an area, and other programs found to benefit an area. The ongoing revenue stream for the improvements, maintenance, and activities comes from the annual assessments funded by properties within the special assessment district. The process by which special assessment districts are formed is outlined below.

#### ***3.1. What is a Property and Business Improvement District (PBID)?***

---

A PBID is a special assessment district that provides for the levy and collection of assessments on properties within a geographically defined area. Assessment revenue collected from the benefitting properties pays the costs associated with the improvements, maintenance, and activities provided to the PBID area. In Emeryville, the legislation that allows for the establishment of a PBID is the California Streets and Highway Code Sections 36600 et seq. (the “1994 Act”) augmented by Title 3, Chapter 9, Article 1 of the City of Emeryville Municipal Code (the “Code”). The 1994 Act allows for the levy of special assessments on both properties and or businesses.

A PBID established under the 1994 Act is administered by an owners’ non-profit association. The owners’ non-profit association administers or implements the activities and improvements specified in the management district plan. The owners’ non-profit association determines the needed improvements, maintenance and activities within the PBID boundaries, and how the assessment revenue collected is to be spent among the selected improvements, maintenance and activities. In Emeryville, the City Council must authorize the formation and establishment of the PBID and the City will enter into a management contract with the owners’ non-profit association and provide for the levy and collection of the annual assessments.

#### ***3.2. The Assessment District Procedures Ordinance***

---

In 2015, the City Council added Title 3, Chapter 9, Article 1 to the City of Emeryville Municipal Code. Title 3, Chapter 9, Article 1 augments the 1994 Act and provides for the following changes:

- Reduce the weighted percentage (from 50% to 30%) of petitions required from those that may be assessed, in order to initiate the formation of a property and business improvement district;
- Allow the City Council to initiate formation by adoption of a resolution;
- Extend the potential term of a property and business improvement district to a maximum of 15 years;
- Have the property and business improvement district encompass and assess residential property;
- Specifically affirm that shuttle bus services constitute an activity that may benefit businesses or real property in a property and business improvement district;
- Authorize the property and business improvement district to recover, through assessments, the costs incurred in its formation; and,
- Authorize the City Council to disestablish a property and business improvement district upon a supermajority vote of the City Council.

### **3.3. *Establishing a PBID***

---

The 1994 Act, as augmented by Title 3, Chapter 9, Article 1 of the City's Municipal Code, provides the legal framework for establishing this property and business improvement district. As part of the formation proceedings, proponents prepare a Management District Plan in accordance with Section 36622 of the 1994 Act. The Management District Plan must contain, but is not limited to, the following required elements:

- A map, in sufficient detail to locate each assessed property within the proposed district;
- Name of the proposed district;
- Description of the boundaries, including the boundaries of any benefit zones;
- Improvements, services, and activities proposed for each year of operation, along with the maximum cost;
- Total annual amount to be expended, in each year of operation, for the proposed improvements, services, and activities;
- Proposed source(s) of financing, including the basis and method of levying the assessments, and whether or not bonds will be issued;
- Time and manner of collecting the assessments;
- Specific number of years in which the assessments will be levied;
- Proposed time for implementation and completion of the Management District Plan;
- Rules and regulations applicable to the district;
- Listing of the properties to be assessed along with the parcel number and the method by which expenses will be imposed upon benefited real property in proportion to the benefit received.
  - Total amount of all special benefits to be conferred upon the properties within district;
  - Total amount of general benefits, if any;
- Any other item or matter required to be incorporated therein by the legislative body.
  - Detailed engineer's report supporting all assessments contemplated by the Management District Plan.

### **3.4. *PBID Name Designation***

---

The name designation of this proposed district is the City of Emeryville Citywide Property and Business Improvement District (the "District").



### ***3.5. Timeline for Implementation and Completion of the District***

---

The timeline in the following table provides for the establishment of the District and allows sufficient time to calculate and include the Fiscal Year 2015/16 assessments on the County's secured property tax roll. Given various considerations and time constraints, the proposed timeline for the establishment and implementation of the District is as follows:

<b>Task Description</b>	<b>Estimated Completion Date</b>
Present Draft Management District Plan	May 2015
Present Final Management District Plan, Boundary Map, Engineer's Report	June 2015
City Council Votes on Resolution of Intention to Establish District	June 2015
Proposition 218 Ballot Packages Mailed	June 2015
Conduct Public Hearing, Tabulate Ballots, City Council Votes on Resolution Establishing District	August 2015
Assessments Submitted to County for Billing	August 2015
Administration and District Operation Commences	August 2015

## 4. DESCRIPTION OF SERVICES

The District will provide for the ongoing provision of the Emery Go-Round shuttle service, and management activities all located within the boundaries of the Emery Go-Round service area.

### 4.1. Shuttle Service

---

The Emery Go-Round shuttle is a fare-free, private transportation service, open to all City residents, shoppers, visitors and employees of City businesses. It has three lines that run five days a week, and one line that runs seven days a week with more-limited service on weekends. The Emery Go-Round provides access to major shopping areas, businesses, schools, and residences around the City, with almost 1.7 million annual boardings of the shuttle service. It is the stated goal of the City to support the expansion of the Emery Go-Round to accommodate workers, residents, and visitors.

The shuttle service is just one of several transit options that serve the City, including the 72 Rapid Bus on San Pablo Avenue, along with several other local bus service routes provided by Alameda-Contra Costa Transit District, and numerous commuter trains at the Amtrak station.

The following table shows the days of operation, hours of operation, and frequency for each of the Emery Go-Round routes, as of March 2015:

Route	Days of Operation	Hours of Operation	Peak Frequency	Off-Peak Frequency
Shellmound/Powell	7 Days/Week	M-F: 5:45am to 10:35pm Sat: 8:20am to 10:37pm Sun: 9:00 to 7:35pm	10-15 min.	15-20 min.
Hollis	Mon-Fri	5:45am to 10:35pm	10 min.	20 min.
Hollis South	Mon-Fri	6:40am to 9:56am & 3:30pm to 7:06pm	25-30 min.	None
Watergate Express	Mon-Fri	7:10am to 10:03am & 3:15pm to 7:11pm	15 min.	None

Source: [www.emerygoround.com](http://www.emerygoround.com)

### 4.2. Management and Operations

---

The Emeryville Transportation Management Association's (the "TMA") effectiveness in forming and maintaining relationships with the community is a vital component to the success of the District. A strong community relations effort emphasizes the importance of positive relationships within the Emery Go-Round service area and encourages maximum community involvement. Active TMA management will also afford the opportunity to garner other material, grants, and financial support for the shuttle service.

Regular activities, initiatives, resources that support this task include:

- A dedicated staff who will serve as a focal point and advocate for the District
- Office expenses including accounting, rent, utilities, office supplies, insurance, legal, and other professional services related to District activities

## 5. ANNUAL AMOUNT TO BE COLLECTED & EXPENDED

The Fiscal Year 2015/16 estimated cost budget, from July 1, 2015 through June 30, 2016 for the installation, implementation and maintenance of the District improvements, maintenance, and activities is as follows:

Description	Amount
Operations Costs <sup>1</sup>	\$2,971,593.33
Capital – Vehicle Costs <sup>1</sup>	465,582.27
ETMA Operating Reserve <sup>1</sup>	269,343.50
County Collection Fees	54,381.55
Legal Services	5,000.00
Audit Services	2,500.00
City Administrative Costs	17,000.00
Assessment District Engineering, Assessment Balloting and Administration <sup>2</sup>	80,000.00
<b>Total 2015/16 Cost Estimate Budget</b>	<b>\$3,865,400.65</b>

<sup>1</sup> According to the Emeryville Transportation Management Authority, the Berkeley Bowl stop represents approximately 2.06% of the total Emery Go-Round operating budget; as such, those costs have been removed from the estimate of assessable costs.

<sup>2</sup> Assessment District formation costs, including engineering and balloting, represent approximately \$68,000 (ongoing annual administration is approximately \$12,000). Per the Code, all formation costs will be recovered via Fiscal Year 2015/16 assessments.

The Fiscal Year 2015/16 estimated cost budget will be funded as follows:

Description of Revenue Source	2015/16 Revenue Amount
Assessment Revenue	\$3,409,869.45
Contributions for General Benefit (12.29% of Total Operating Costs) <sup>1</sup>	455,531.20
<b>Total 2015/16 Annual Revenue</b>	<b>\$3,865,400.65</b>

<sup>1</sup> Comprised of additional funds generated from sources such as contributions from the City's General Fund, grants, donations, fees for service contracts for unassessable property within the Emery Go-Round service area, and in-kind donations. Total Operating Costs include Operations Costs, Capital – Vehicle Costs, and ETMA Operating Reserve.

Each fiscal year beginning Fiscal Year 2016/17, the maximum allowable assessment rate per Special Benefit Point is subject to an increase of five percent (5%) annually over the maximum allowable assessment rate per Special Benefit Point for the previous fiscal year. In any case, the annual assessment cannot exceed the actual costs to operate the District in any given year.

Based upon a maximum possible annual assessment increase of 5%, beginning July 1, 2016, the total annual maximum assessment revenue each year for each of the 15 years is described in the following table:

<b>Year</b>	<b>Fiscal Year</b>	<b>Total Maximum Annual Assessment Revenue <sup>1</sup></b>
1	2015/16	\$3,409,869.45
2	2016/17	3,580,362.92
3	2017/18	3,759,381.07
4	2018/19	3,947,350.12
5	2019/20	4,144,717.63
6	2020/21	4,351,953.51
7	2021/22	4,569,551.19
8	2022/23	4,798,028.75
9	2023/24	5,037,930.19
10	2024/25	5,289,826.70
11	2025/26	5,554,318.04
12	2026/27	5,832,033.94
13	2027/28	6,123,635.64
14	2028/29	6,429,817.42
15	2029/30	6,751,308.29
	<b>Total:</b>	<b>\$73,580,084.86</b>

1 Annual increases do not account for ridership growth or service expansion.

## **6. METHOD OF ASSESSMENT**

### **6.1. Source(s) of Financing**

---

The levy and collection of annual assessments upon property within the District provides the primary funding source for the improvements, services, and activities previously outlined. The TMA will generate additional funds from sources other than annual assessments on properties within the District. These funds may include City General Fund contributions, grants, donations, fees for service contracts and in-kind donations.

The District will not issue bonds to fund any of the improvements, services, and activities provided by the District.

### **6.2. Basis of Assessment**

---

The benefits provided to real property within the District relate to the improvements, services, and activities carried out by the TMA and more fully described in the “Description of Services” section of this Management District Plan.

### **6.3. General Benefit Assignment**

---

General benefit is a benefit to the public at large resulting from the implementation of District services. The amount of general benefit that is provided from the District improvements, services, and activities cannot be funded by assessments within the District. Utilizing the method of assessment to determine the number of benefit points attributable to parcels outside of the City, but within the Emery Go-Round service area, and estimating pass-through users, it was determined that 12.29% of the Emery Go-Round users were engaged in general benefit activities. Accordingly, 87.81% of the benefits from the District improvements, services, and activities are considered to provide special benefits to the properties within the District and thus could be subject to assessment therein. Please see the City of Emeryville Citywide Property and Business Improvement District Engineer’s Report (the “Engineer’s Report”), included as Appendix C, for a more detailed discussion of the calculation of the general benefit.

### **6.4. Special Benefit Point Assignment**

---

Special Benefit Points are assigned based upon a property’s proximity to an Emery Go-Round stop--whether it is a stop along a route that runs five-days a week or a route that runs seven days a week--as well as the property’s existing land use classification and property characteristics. The method of apportioning the benefit to the parcels within the Emery Go-Round service area reflects the proportional special benefit assigned to each property from the Emery Go-Round service, based upon the various property characteristics for each parcel, as compared to other properties within the Emery Go-Round service area.

#### ***Land Use Factors***

As part of the special benefit analysis, various property characteristics were analyzed including the number of dwelling units, berths, movie screens, building square footage, acreage, land use classification, and vehicle trip generation. Since, the special benefits provided by the Emery Go-Round service focus primarily on access and mobility, it is appropriate to apportion the benefit based

upon an industry established standard of reference that measures land use-based transportation loads such as the estimated number of vehicle trips generated by each property type. Data from the *Institute of Transportation Engineers Trip Generation Manual*<sup>kiii</sup> was used to come up with land use factors, which are directly related to the average number of weekday vehicle trips generated by each property type. This methodology recognizes that certain property types benefit more, or less, than others from the shuttle service, e.g., office buildings generate more vehicle trips than residential and industrial parcels, and retail/shopping centers generate more vehicle trips than office buildings, etc.

The following table describes the assignment of Base Land Use Factors for each Land Use Classification within the Emery Go-Round service area, based upon the property characteristics described above:

<b>Land Use Classification</b>	<b>Base Land Use Factor</b>	<b>Multiplier</b>
Single-Family Residential	1.00	per Dwelling Unit
Athletic Club	2.88	per 1,000 Building Square Feet
Bank	7.77	per 1,000 Building Square Feet
Boat Slip	0.31	per Berth
Church/Lodge/Club	0.96	per 1,000 Building Square Feet
Fast-Food Restaurant	13.36	per 1,000 Building Square Feet
Furniture Store	0.53	per 1,000 Building Square Feet
General Office	1.16	per 1,000 Building Square Feet
General Retail/Shopping Center	4.49	per 1,000 Building Square Feet
Government Office Complex	2.93	per 1,000 Building Square Feet
Heavy Industrial	0.16	per 1,000 Building Square Feet
Home Furnishing Superstore	2.10	per 1,000 Building Square Feet
Hotel	0.86	per Room
Light Industrial	0.73	per 1,000 Building Square Feet
Marina	2.20	per Acre
Mixed	n/a	Case-by-Case
Medical-Dental Office	3.80	per 1,000 Building Square Feet
Movie Theater	6.14	per Screen
Multi-Family Residential	0.65	per Dwelling Unit
Office Supply Store	3.57	per 1,000 Building Square Feet
Pharmacy/Drugstore	9.46	per 1,000 Building Square Feet
Post Office	11.23	per 1,000 Building Square Feet
Rail Station	4.16	per 1,000 Building Square Feet
Restaurant	9.45	per 1,000 Building Square Feet
Retirement Home	0.25	per Dwelling Unit
School	1.62	per 1,000 Building Square Feet
Utilities	0.82	per 1,000 Building Square Feet
Warehouse	0.37	per 1,000 Building Square Feet

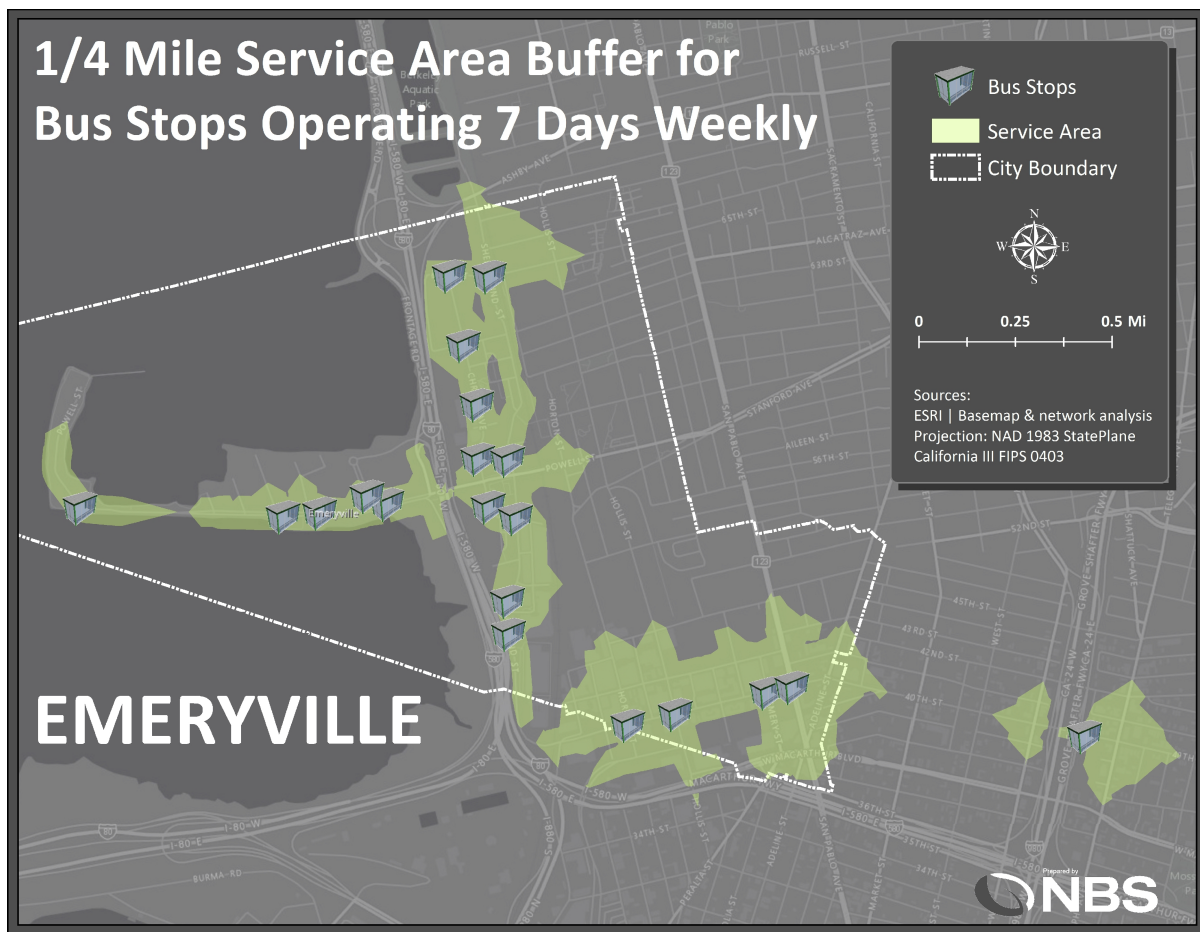
## Service Days Factors

In addition to the assigned Base Land Use Factors, a separate Service Days Factor will be assigned to each property within the Emery Go-Round service area, based upon each property's proximity to a route that runs either seven days a week or five days a week.

Service Days Category	Service Days Factor
Parcels within ¼ mile of a seven day route	1.000
Parcels within ¼ mile of a five day route	0.714 <sup>1</sup>

<sup>1</sup> Equals five-sevenths of the seven day route factor.

The following map shows the general areas of the City within a one-quarter mile walking distance to a stop along a route that runs seven days a week:



Property within or touching the areas noted above will be assigned a Service Days Factor of 1.000. All other property within the Emery Go-Round service area will be assigned a Service Days Factor of 0.714. Property within a one-quarter mile proximity to a stop along a route that runs both five days a week and seven days a week will be assigned a Service Days Factor of 1.000.

### ***Special Benefit Points Calculation***

The total Special Benefit Points assigned to each property within the Emery Go-Round service area is the product of each property's calculated Base Land Use Factor and Service Days Factor:

Parcel's Special Benefit Points	=	Base Land Use Factor	x	Service Days Factor
---------------------------------	---	----------------------	---	---------------------

Common areas, roads and easements, parking lots and parking garages, gas stations, and auto repair shops are deemed to receive no benefit from the Emery Go-Round service, because they serve either as connectors for other properties, or they exist solely to provide automobile related services, and do not benefit from the shuttle service. Also, vacant property is not assessed; however, if at any time in the future a vacant property develops, it will become subject to the assessment.

### **Data Considerations, Route Changes, and Parcel Changes**

The use of the latest Assessor's Secured Roll information has been and shall be used in the future as the basis in determining each parcel's land use category, dwelling units, acreage and building square footage, unless better data is available to the City. In addition, if any parcel within the Assessment District is identified by the Alameda County Auditor/Controller to be an invalid parcel number, the land use category, dwelling units, acreage and building square footage of the subsequent valid parcels shall serve as the basis in determining the Base Land Use Factor to derive Special Benefit Points. Similarly, if the land use category of an existing parcel changes from the previous fiscal year due to new development or any other reason, the Base Land Use Factor assigned to such parcel will be adjusted accordingly.

Similarly, if the Emery Go-Round routes, stops, or service days change, or access to a stop changes, for example, due to a new pedestrian bridge, the Emery Go-Round service area, as well as the Special Benefit Points assigned to each parcel in the revised Emery Go-Round service area, will be reviewed and adjusted accordingly pursuant to the method described in Sections 3.4 and 5.4 of the Engineer's Report.

The changes noted above may cause the overall assessment on a parcel to increase or decrease; however, the maximum Assessment Rate per Special Benefit Point is limited to increases of five percent annually over the previous years' maximum Assessment Rate per Special Benefit Point, per Section 6 of the Engineer's Report.

Mixed-use property will be examined on a case-by-case basis, as identified, in an effort to determine the appropriate proportion of land use classification assignments on the mixed-use property.

## ***6.5. Assessment Calculation***

The method of assessment is discussed in detail in Engineer's Report and is summarized below:

**Total Cost Estimate to be levied in Fiscal Year 2015/16 / Total Special Benefit Points =  
Assessment Rate per Special Benefit Point**

**\$3,409,869.45 / 19,880.18 = \$171.52**

Parcel's Assessment = \$171.52 x Parcel's Total Special Benefit Points



## ***6.6. Number of Years Assessments Will Be Levied***

---

The proposed term for the District is set at 15 years. The City will levy assessments beginning Fiscal Year 2015/16 up through and including Fiscal Year 2029/30. Expenditure of collected assessments may continue for up to six months after June 30, 2030 if the district is not renewed. In order to authorize the levy and collection of assessments after Fiscal Year 2029/30, the TMA will need to go through the renewal process pursuant to the 1994 Act as augmented by Title 3, Chapter 9, Article 1 of the City's Municipal Code.

## ***6.7. Time and Manner of Collecting Assessments***

---

Each property owner pays a share of the cost of the District, based on an assessment formula. The payment is collected twice yearly, through the property tax bill. The District assessment, including the collection and enforcement of any delinquent assessment and imposition of interest and penalties, will be collected and enforced by the Tax Collector of the County of Alameda. The Tax Collector shall transfer the assessment payments to the City for distribution to the TMA for the funding of the improvements, services, and activities described in this Management District Plan. Any assessment on a property that does not receive a property tax bill from the County of Alameda will be billed directly by the TMA.

## ***6.8. Appeals Process***

---

Any property owner claiming that the amount or application of the assessment is not correct, including any factors determining the assessment, such as Land Use Classification, number of dwelling units, berths, movie screens, building square footage, acreage, and/or service day factor may file a written notice of appeal with the City Clerk. The City Clerk shall promptly forward the appeal to the City Manager, or his or her designee, who shall review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the assessment, including any factors determining the assessment, and decide the appeal. If the decision of the City Manager requires the assessment to be modified or changed in favor of the property owner, a cash refund, limited to the prior years' assessment shall be paid to a property owner in excess of the difference between the amount actually assessed and paid by a property owner and the corrected rate as determined by the City Manager for the year prior to the filing of the appeal. A decision of the City Manager shall be final and conclusive.

## ***6.9. Assessor's Parcel Listing***

---

Appendix B of this Management District Plan provides a listing of all of the Assessor's Parcels, including the Assessor's Parcel Number, Site Address, District Category, Building Square Footage, Dwelling Units, Special Benefit Points, and 2015/16 Assessment subject to the District annual assessment.

## **7. DISTRICT MANAGEMENT**

### **7.1. Board of Directors Composition – Emeryville Transportation Management Authority**

---

The Emeryville Transportation Management Association (TMA), a non-profit organization, whose membership consists of the parcel owners that are assessed under the District, is the “Owner’s Representative” as outlined in the California Streets and Highway Code Section 36614.5 and will administer the District through an agreement with the City of Emeryville.

The TMA will be governed by a Board of Directors whose membership is designed to equitably represent all stakeholders and areas of the City, with specific provisions for representing residential parcel owners as well as commercial and industrial parcel owners. The City of Emeryville will work with stakeholders to develop an equitable TMA Board membership structure, which represents residential parcel owners as well as commercial and industrial property owners of various sizes and land uses. The City of Emeryville will also facilitate the establishment of TMA by-laws, which will enumerate the scope of the TMA Board’s authority; the role of the general TMA membership; and how decisions are made by the TMA. The TMA Board’s composition and TMA by-laws shall be ratified by a general membership meeting of the TMA and incorporated in the City/Owner’s Representative agreement between the City and the TMA. Any amendments to the TMA Board’s membership composition or TMA by-laws will also require both ratification of the TMA membership and inclusion in the City/TMA agreement.

### **7.2. Public Access**

---

The TMA is required to comply with specified state open meeting and public records laws, the Ralph M. Brown Act, commencing with Section 54950 of the Government Code, and the California Public Records Act, commencing with Section 6250 of the Government Code. Ralph M. Brown Act compliance is required when District business is heard, discussed, or deliberated, and the California Public Records Act compliance is required for all documents relating to District business.

### **7.3. TMA Operations Management**

---

The powers and responsibilities for the TMA are as follows:

- Review improvements, services, and activities provided and establish priorities for the upcoming Fiscal Year
- Implement the improvements, services, and activities specified in the Management District Plan by determining levels of improvements, services, and activities
- Submit an annual report to City of Emeryville
- Coordinate with City staff regarding operational issues of the District
- Hold meetings no less frequently than once per year

**Staffing:** The TMA may hire paid staff and sub-contractors, or provide funds to grantees to implement the improvements, services, and activities as outlined in this Management District Plan.

**Budget Management:** The TMA may reallocate funding within the budget categories, not to exceed 10% of the annual budgeted amount for the category, consistent with the Management District Plan.

Rules and Regulations: The TMA will establish rules and regulations to be employed in its administration of the District.

Each year, the TMA shall prepare a report for each Fiscal Year, except the first year, for which assessments are levied and collected to pay the costs of the improvements, services, and activities described in the report. The first report shall be due after the first year of operation of the District. The TMA must file each report with the City Clerk; each report shall contain or provide, but not be limited to the following:

- A reference to the District by name
- The Fiscal Year to which the annual report applies
- Any proposed changes in the boundaries or classification of property of the District
- The improvements, services, and activities to be provided for that Fiscal Year
- Any changes to the shuttle routes or their frequency, as well as any extension of the service outside the District boundaries
- An estimate of the cost of providing the improvements, services, and activities for that Fiscal Year
- Any proposed changes to the basis and method of levying the assessments
- The method and basis of levying the assessment in sufficient detail to allow each real property owner to estimate the amount of the assessment to be levied against his or her property for that Fiscal Year
- The amount of any surplus or deficit revenues to be carried over from a previous Fiscal Year
- The amount of any contributions to be made from sources other than assessments levied

The City Council may approve the annual report filed by the TMA, or the City Council may modify any particulars contained in the report, and then approve it as modified. Given the potential resulting impact to an assessment levy, any changes to the shuttle routes or stops that would extend service to unserved parcels, as well as any extension of the service outside the District boundaries, including those to be funded by separate funding agreement between the TMA and a third party, require City Council approval, as well as the terms and provisions of the separate funding agreement. Any modification to the annual report shall be made pursuant to Sections 36635 and 36636 of the 1994 Act. However, the City Council cannot approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments.

#### ***7.4. Disestablishment***

---

The District, when there is no indebtedness, outstanding and unpaid, incurred to accomplish the provision of the shuttle service, may be disestablished by resolution by the City Council in either of the following circumstances:

- (1) If the City Council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the District, it shall notice a hearing on disestablishment.
- (2) During the operation of the District, there shall be a 30-day period each year in which assesseees may request disestablishment of the District. The first such period shall begin one year after the date of establishment of the District and shall continue for 30 days.

The next such 30-day period shall begin two years after the date of the establishment of the District. Each successive year of operation of the District shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property in the area who pay 50 percent or more of the assessments levied, the City Council shall pass a resolution of intention to disestablish the District. The City Council shall notice a hearing on disestablishment.

The City Council shall adopt a resolution of intention to disestablish the District prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the District. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel subject to assessment in the district, as appropriate. The City shall conduct the public hearing not less than 30 days after mailing the notice to the property owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

Alternatively, as provided by Section 3-9.02(g) of the Code, the City Council may, by a supermajority vote of four or more members, notice a hearing and initiate proceedings to disestablish the District for any reason. Where the City Council seeks to disestablish the District in circumstances not authorized by Streets and Highways Code Section 36670, both the resolution of intention to disestablish the District and any final resolution to disestablish the District shall be subject to a supermajority vote of four or more members.

## **8. APPENDICES**

## ***APPENDIX A – BOUNDARY MAP***

## ***APPENDIX B – ASSESSOR’S PARCEL LISTING***

## ***APPENDIX C – ENGINEER’S REPORT***