TO: External Affairs Committee
AC Transit Board of Directors
FROM: Denise Standridge, General Counsel
SUBJECT: City of Emeryville Official Assessment Ballot

ACTION ITEM

RECOMMENDED ACTION(S):

Consider whether or not to support the City of Emeryville's Citywide Property and Business Improvement District Assessment and authorize the Interim General Manager, or her designee, to execute and submit the official ballots on behalf of AC Transit.

EXECUTIVE SUMMARY:

The City of Emeryville sent five ballots to AC Transit to vote on the Citywide Property and Business Improvement District Assessment levied for the support of shuttle bus services (Emery Go-Round). The ballots were sent based upon AC Transit's ownership of three parcels in the City of Emeryville, within one-quarter mile of an Emery Go-Round stop. However, AC Transit has two other parcels that were listed on the assessment roll for which ballots were received. The City of Emeryville will hold a public hearing on August 4, 2015, by which time all ballots must be submitted.

BUDGETARY/FISCAL IMPACT:

While there is no budgetary impact associated with the ballots being cast, if the assessments are levied, AC Transit will be assessed $20,752.92. The District will then have to spend the time to argue it is exempt from the assessment.

BACKGROUND/RATIONALE:

The City of Emeryville is seeking to extend the Citywide Property and Business Improvement District (PBID) assessment, the primary funding source for the Emery Go-Round shuttle. The assessment is scheduled to end at the end of the 2015-2016 fiscal year. Ballots, along with a notice of public hearing and a fact sheet were sent to property owners in the City of Emeryville setting forth the maximum assessment rate for that particular parcel to be levied for a period of fifteen (15) years with five percent (5%) annual increases. According to the City of Emeryville's assessment roll, AC Transit owns five parcels in the City of Emeryville one located on Doyle Drive, two on 47th St., and two located on Adeline St. The parcels located on 47th Street are a part of Division 2. The proposed annual assessments for the two Adeline and two 47th St. parcels are each $0.00, but for the Doyle Drive parcel, the assessment is $20,792.92. The amount of the assessment is based on a report provided by Emeryville's assessment engineer.
This proposed PBID assessment is subject to a Proposition 218 ballot by mail process and all ballots must be submitted by the time of the public hearing, August 4, 2015 at 7:16 p.m. The City Council will consider approving and imposing the annual PBID assessment if there is no majority protest.

According to Proposition 218, ballots are weighted according to the proposed assessment to be paid by each parcel. The ballot received for the Doyle Drive parcel with the $20,792.92 assessment, will be the only ballot weighted because the other ballots received were for parcels with zero assessment.

If there is no majority protest, it is likely that the City Council will approve the PBID ballots and impose the assessment. From prior experience of receiving delinquency notices on the one assessed parcel, it can be expected that the City of Emeryville will continue to impose the assessment on AC Transit. It is then up to the District to argue that it is exempt from special assessments as a local public agency.

Staff requests that the Board provide direction on whether or not to support the City of Emeryville’s Citywide Property and Business Improvement District Assessment and authorize the Interim General Manager, or her designee, to execute and submit the official ballots on behalf of AC Transit pursuant to said direction.

ADVANTAGES/DISADVANTAGES:

The advantage of this report is that the District can submit a ballot for each parcel. There is no disadvantage to submitting ballots.

ALTERNATIVES ANALYSIS:

The alternative to submitting the ballots is to not submit them and let the rest of the electorate decide if the assessments will be imposed.

PRIOR RELEVANT BOARD ACTIONS/POLICIES:

None

ATTACHMENTS:

1: City of Emeryville Official Ballots for parcels 049-1024-005-01, 049-1180-001-00, 049-1024-005-02, 049-1178-003-00, and 049-1179-001-00
2: Relevant pages of City of Emeryville Citywide Property and Business Improvement District Fiscal Year 2015/16 Assessment Roll

Executive Staff Approval: Denise C. Standridge, General Counsel
Reviewed by: Denise C. Standridge, General Counsel
James Pachan, Interim Chief Financial Officer
Prepared by: Denise C. Standridge, General Counsel
The City of Emeryville proposes to levy an assessment on properties within the City's boundaries. The assessment will generate a portion of the revenue required for the Emeryville Transportation Management Authority to operate the Emery Go-Round shuttle service.

In order to calculate the assessment for parcels within the PBID, property and vehicle trip data have been evaluated and the method of assessment detailed in the Engineer's Report and summarized in the enclosed Notice has been applied with Special Benefit Points assigned to each parcel. The Maximum Allowable Assessment Rate per Special Benefit Point is $171.52 and is proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on the 2015/16 Special Benefit Point assignments, the proposed annual assessment for Assessor's Parcel Number 049-1180-001-00 is $20,752.92.

The following variables were used in determining the assessment on this parcel:
- Land Use Classification: General Office
- Property Characteristics: 146,085 Building Square Feet
- Service Days: 5-Days
- Yes: Support the Maximum Allowable Assessment Rate per Special Benefit Point of $171.52, proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on 2015/16 Special Benefit Point assignments, the proposed annual assessment is $20,752.92 for APN 049-1180-001-00.
- No: Oppose the Maximum Allowable Assessment Rate per Special Benefit Point of $171.52, proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on 2015/16 Special Benefit Point assignments, the proposed annual assessment is $20,752.92 for APN 049-1180-001-00.

MARK YOUR BALLOT LIKE THIS: ☐

Your ballot must be marked, signed and received by the close of the Public Hearing on August 4, 2015 or it will not be counted.

SEE REVERSE SIDE FOR INSTRUCTIONS

I declare under penalty of perjury under the laws of the State of California that I am entitled to complete and submit this ballot.

Parcel Number 049-1180-001-00

THIS ADDRESS SHOWS IN THE WINDOW OF THE RETURN ENVELOPE:

Emeryville PBID Ballot Proceeding
C/O TrueBallot, Inc.
P.O. Box 28055
Oakland, CA 94604-9933

1600 FRANKLIN ST
OAKLAND, CA 94612-2806
Citywide Property and Business Improvement District

The City of Emeryville proposes to levy an assessment on properties within the City's boundaries. The assessment will generate a portion of the revenue required for the Emeryville Transportation Management Authority to operate the Emery Go-Round shuttle service.

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The following variables were used in determining the assessment on this parcel:

- Land Use Classification: None
- Property Characteristics: n/a
- Service Days: 7-Days

☐ Yes  Support the Maximum Allowable Assessment Rate per Special Benefit Point of $171.52, proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on 2015/16 Special Benefit Point assignments, the proposed annual assessment is $0.00 for APN 049-1024-005-01.

☐ No  Oppose the Maximum Allowable Assessment Rate per Special Benefit Point of $171.52, proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on 2015/16 Special Benefit Point assignments, the proposed annual assessment is $0.00 for APN 049-1024-005-01.

MARK YOUR BALLOT LIKE THIS: ■

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SEE REVERSE SIDE FOR INSTRUCTIONS

I declare under penalty of perjury under the laws of the State of California that I am entitled to complete and submit this ballot. Parcel Number 049-1024-005-01

This address shows in the window of the return envelope:

Emeryville PBID Ballot Proceeding
c/o TrueBallot, Inc.
P.O. Box 28055
Oakland, CA 94604-9933
City of Emeryville
Official Ballot

Citywide Property and Business Improvement District

The City of Emeryville proposes to levy an assessment on properties within the City's boundaries. The assessment will generate a portion of the revenue required for the Emeryville Transportation Management Authority to operate the Emery Go-Round shuttle service.

In order to calculate the assessment for parcels within the PBID, property and vehicle trip data have been evaluated and the method of assessment detailed in the Engineer's Report and summarized in the enclosed Notice has been applied with Special Benefit Points assigned to each parcel. The Maximum Allowable Assessment Rate per Special Benefit Point is $171.52 and is proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on the 2015/16 Special Benefit Point assignments, the proposed annual assessment for Assessor's Parcel Number 049-1024-005-02 is $0.00.

The following variables were used in determining the assessment on this parcel:

- Land Use Classification: None
- Property Characteristics: n/a
- Service Days: 7-Days

☐ Yes  Support the Maximum Allowable Assessment Rate per Special Benefit Point of $171.52, proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on 2015/16 Special Benefit Point assignments, the proposed annual assessment is $0.00 for APN 049-1024-005-02.

☐ No  Oppose the Maximum Allowable Assessment Rate per Special Benefit Point of $171.52, proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on 2015/16 Special Benefit Point assignments, the proposed annual assessment is $0.00 for APN 049-1024-005-02.

MARK YOUR BALLOT LIKE THIS: ☐

Your ballot must be marked, signed and received by the close of the Public Hearing on August 4, 2015 or it will not be counted.

SEE REVERSE SIDE FOR INSTRUCTIONS

I declare under penalty of perjury under the laws of the State of California that I am entitled to complete and submit this ballot.

Parcel Number 049-1024-005-02

ALAMEDA CONTRA COSTA TRANSIT DISTRICT

THIS ADDRESS SHOWS IN THE WINDOW OF THE RETURN ENVELOPE:

Emeryville PBID Ballot Proceeding
c/o TrueBallot, Inc.
P.O. Box 28055
Oakland, CA 94604-9933

ALAMEDA CONTRA COSTA TRANSIT DISTRICT

1600 FRANKLIN ST
OAKLAND, CA 94612-2806
City of Emeryville
Official Ballot

Citywide Property and Business Improvement District

The City of Emeryville proposes to levy an assessment on properties within the City's boundaries. The assessment will generate a portion of the revenue required for the Emeryville Transportation Management Authority to operate the Emery Go-Round shuttle service.

In order to calculate the assessment for parcels within the PBID, property and vehicle trip data have been evaluated and the method of assessment detailed in the Engineer's Report and summarized in the enclosed Notice has been applied with Special Benefit Points assigned to each parcel. The Maximum Allowable Assessment Rate per Special Benefit Point is $171.52 and is proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on the 2015/16 Special Benefit Point assignments, the proposed annual assessment for Assessor's Parcel Number 049-1178-003-00 is $0.00.

The following variables were used in determining the assessment on this parcel:
Land Use Classification: X 07/03/2015 12:03:56
Property Characteristics: n/a
Service Days: 5-Days

☐ Yes Support the Maximum Allowable Assessment Rate per Special Benefit Point of $171.52, proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on 2015/16 Special Benefit Point assignments, the proposed annual assessment is $0.00 for APN 049-1178-003-00.

☐ No Oppose the Maximum Allowable Assessment Rate per Special Benefit Point of $171.52, proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on 2015/16 Special Benefit Point assignments, the proposed annual assessment is $0.00 for APN 049-1178-003-00.

MARK YOUR BALLOT LIKE THIS: [ ]
Your ballot must be marked, signed and received by the close of the Public Hearing on August 4, 2015 or it will not be counted.

SEE REVERSE SIDE FOR INSTRUCTIONS

I declare under penalty of perjury under the laws of the State of California that I am entitled to complete and submit this ballot.

Parcel Number 049-1178-003-00

ALAMEDA CONTRA COSTA TRANSIT DISTRICT

Emeryville PBID Ballot Proceeding
c/o TrueBallot, Inc.
P.O. Box 28055
Oakland, CA 94604-9933

1600 FRANKLIN ST
OAKLAND, CA 94612
City of Emeryville
Official Ballot

Citywide Property and Business Improvement District

The City of Emeryville proposes to levy an assessment on properties within the City's boundaries. The assessment will generate a portion of the revenue required for the Emeryville Transportation Management Authority to operate the Emery Go-Round shuttle service.

In order to calculate the assessment for parcels within the PBID, property and vehicle trip data have been evaluated and the method of assessment detailed in the Engineer's Report and summarized in the enclosed Notice has been applied with Special Benefit Points assigned to each parcel. The Maximum Allowable Assessment Rate per Special Benefit Point is $171.52 and is proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on the 2015/16 Special Benefit Point assignments, the proposed annual assessment for Assessor's Parcel Number 049-1179-001-00 is $0.00.

The following variables were used in determining the assessment on this parcel:
- Land Use Classification: X
- Property Characteristics: n/a
- Service Days: 5-Days

☐ Yes Support the Maximum Allowable Assessment Rate per Special Benefit Point of $171.52, proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on 2015/16 Special Benefit Point assignments, the proposed annual assessment is $0.00 for APN 049-1179-001-00.

☐ No Oppose the Maximum Allowable Assessment Rate per Special Benefit Point of $171.52, proposed to be levied for a period of 15 years with five percent (5%) annual increases. Based on 2015/16 Special Benefit Point assignments, the proposed annual assessment is $0.00 for APN 049-1179-001-00.

MARK YOUR BALLOT LIKE THIS: ■

Your ballot must be marked, signed and received by the close of the Public Hearing on August 4, 2015 or it will not be counted.

SEE REVERSE SIDE FOR INSTRUCTIONS

I declare under penalty of perjury under the laws of the State of California that I am entitled to complete and submit this ballot.

Parcel Number 049-1179-001-00

ALAMEDA CONTRA COSTA TRANSIT DISTRICT

1600 FRANKLIN ST
OAKLAND, CA 94612
NOTICE OF PUBLIC HEARING AND ASSESSMENT BALLOT PROCEDURE
CITY OF EMERYVILLE
CITYWIDE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT ASSESSMENT

NOTICE OF PUBLIC HEARING
This notice informs you, as the record owner of property within the proposed City of Emeryville Citywide Property and Business Improvement District (the "PBID"), that the City of Emeryville will be conducting a Public Hearing pursuant to the provisions of the Property and Business Improvement District Law of 1994, Article XIII D of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act.

The Public Hearing is hereby scheduled to be held at the City of Emeryville Council Chambers, 1333 Park Avenue, Emeryville, California on:

August 4, 2015, at 7:16 p.m.

or as soon thereafter as the matter may be heard. All interested persons are invited to attend and express opinions on the matter of the proposed PBID.

RIGHT TO SUBMIT ASSESSMENT BALLOT
Property Owners of record who desire to submit an assessment ballot must mail or personally deliver a completed assessment ballot, provided, however, all assessment ballots must be received by the City Clerk prior to the close of the Public Hearing to be counted. An assessment ballot and return envelope are enclosed with this Notice.

All assessment ballots must be received by the City Clerk before the conclusion of the Public Hearing shown above. The mailing address is:

Emeryville PBID Ballot Proceeding
c/o TrueBallot, Inc.
P.O. Box 28055
Oakland, CA 94604-9933

ASSESSMENT INFORMATION
Boundaries of the District: The boundaries of the PBID include all property within the City of Emeryville; however, only the parcels within the City of Emeryville that are also within a one-quarter mile walking distance to an Emery Go-Round shuttle stop are subject to the initial assessment. A copy of the Assessment Diagram for the PBID is included in the Management District Plan, a copy of which is available at the office of the City Clerk or online at www.ci.emeryville.ca.us.

Total Proposed Fiscal Year 2015/16 Maximum Assessment for the PBID: $3,409,869.45.

Your Proposed Maximum Assessment for Fiscal Year 2015/16: The proposed maximum Fiscal Year 2015/16 assessment for your property is shown on the enclosed assessment ballot.

Duration of Proposed Assessment: The proposed assessment for the PBID will be levied for a period of fifteen years beginning with Fiscal Year 2015/16 and will continue through Fiscal Year 2029/30.

Cost of Living Inflator: The proposed maximum allowable assessment for the PBID and maximum allowable assessment rate per Special Benefit Point are subject to an increase of no more than five percent annually over the maximum allowable assessment for the PBID and maximum allowable assessment rate per Special Benefit Point for the previous fiscal year.

Reasons for the Proposed Assessment: The proposed assessment will generate a portion of the revenue required for the Emeryville Transportation Management Authority to operate the Emery Go-Round shuttle service.

Basis of Proposed Assessment: The method of apportionment of the proposed assessment is based upon the proportionate special benefit received from the services and conferred upon the property within the PBID over-and-above the general benefit conferred upon the public at large. All assessable parcels within the proposed PBID receive special and direct benefit from the services provided. Only parcels that receive direct special benefit are assessed, and each parcel is assessed in proportion to the estimated benefit received.
BACKGROUND
The Emery Go-Round shuttle (EGR) is considered to be one of the most successful shuttle services in the Bay Area. With ridership at almost 1.7 million, the EGR has been funded to date first by contributions of a small group of businesses and, for the last 14 years, a property and business improvement district assessment. The City of Emeryville has initiated proceedings to establish a new Citywide Property and Business Improvement District (the "PBID") to continue to fund the majority of the revenue required to operate the EGR. The proceedings for the proposed PBID are being taken under the Property and Business Improvement District Law of 1994, Streets and Highways Code, and Title 3, Chapter 9, Article 1 of the City of Emeryville Municipal Code. The ballot process is as required under Proposition 218 and Sections 53739 and 53750 and following of the Government Code.

A copy of the Management District Plan, including an Engineer's Report, which describes in detail the improvements and services provided by the proposed PBID, the nature of the special benefits conferred on property within the proposed PBID, and the method of assessment, is available online at www.ci.emeryville.ca.us and is on file with the City Clerk.

The proposed PBID will have a 15-year life beginning with the levy for Fiscal Year 2015/16, and ending with Fiscal Year 2029/30. After 15 years, the approval process must be repeated for the PBID to continue.

REPLACING THE CURRENT PROPERTY AND BUSINESS IMPROVEMENT DISTRICT
If approved by property owners, the proposed PBID will replace the existing property and business improvement district, which was authorized to levy assessments through Fiscal Year 2015/16. If the proposed PBID is not approved by property owners, the existing property and business improvement district will levy a final parcel assessment for Fiscal Year 2015/16.

DISCREPANCIES
The sources used to determine the assessment on each property were deemed to be reliable. However, if you have reason to believe that any of the variables used in determining your assessment, which are shown on your assessment ballot, are incorrect, please fill out the bottom of this sheet and mail or deliver it to the City Clerk's office (City of Emeryville, 1333 Park Avenue, Emeryville, CA 94608) as soon as possible. You may also fax it to the City at (510)-596-3724.

Information provided will be used to update the assessment data prior to placing the assessments on the tax roll, but will not affect the ballot proceedings.

APN (as shown on ballot): ________________________________________________

Owner name: __________________________________________________________

Owner telephone number: _______________________________________________

Reason for discrepancy or comments: ______________________________________

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**City of Emeryville**  
Citywide Property and Business Improvement District  
Fiscal Year 2015/16 Assessment Roll