

RESOLUTION NO. 22-_____

Resolution Of The City Council Of The City Of Emeryville Approving The Emeryville Transportation Management Association (ETMA) 2023 Budget And Setting Compensation To The ETMA To Operate The Emery Go-Round Shuttle Service During The 2023 Calendar Year Under The Terms Of The Service Agreement For An Amount Not To Exceed Four Million, Three Hundred Seventy-Three Thousand, Five Hundred And Fifty-Two Dollars (\$4,373,552); And Authorizing An Additional Six Hundred Thirty-Four Thousand, One Hundred Sixty-Four Dollars (\$634,164) From The Emeryville Property Based Business Improvement District (PBID) Fund 805 To Cover Additional General Benefit Contribution

WHEREAS, after a vote of approval by Emeryville commercial property owners, the City Council established the Citywide Property Based Business Improvement District (PBID) to fund the Emery Go-Round Shuttle and other alternative transportation programs on July 31, 2001 (Resolution No. 01-122) in accordance with the Property and Business Improvement District Law of 1994 (California Streets and Highways Code Section 36600 et. seq.), the PBID Law, for a period of five years through FY 2005-06 (service year 2006); and

WHEREAS, after a vote of approval by Emeryville commercial property owners, on July 18, 2016, the City Council, adopted Resolution No. 06-141 extending the PBID for another ten years through FY 2015-16 (service year 2016); and

WHEREAS, after a vote of approval by Emeryville commercial and residential property owners, on August 4, 2015, the City Council adopted Resolution No. 15-104 extending the PBID for another fifteen years through Fiscal Year 2029-30 (service year 2030); and

WHEREAS, the Emeryville Transportation Management Association (ETMA) is a non-profit organization representing commercial and residential property owners that contribute funds to the PBID; and

WHEREAS, the City Council authorized the City Manager to enter into a contract with the ETMA to administer and operate the Emery Go-Round through December 31, 2030, with each year's compensation to be set by Council Resolution; and

WHEREAS, the ETMA Board has adopted an annual budget for the Emery Go-Round shuttle and related services for service year 2023 of \$5,160,000; and

WHEREAS, under the ETMA contract to operate the Emery Go-Round, the annual compensation is set at the lesser of the total approved ETMA annual shuttle budget, net of the developer fees collected directly by the ETMA and certain other ETMA revenue or the annual revenue generated by the PBID, net of administrative costs and estimated uncollectable levy fees; and

WHEREAS, in FY 2022-23, the PBID is projected to generate \$4,373,552 in revenue, net of County Assessor and administrative fees; and

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WHEREAS, PBID funds can only be used to operate the Emery Go-Round shuttle and related alternative transportation services/programs and cover the PBID's administrative expenses including both County and City administrative fees; and

WHEREAS, a General Benefit is a benefit to the public at large resulting from the implementation of District services; and

WHEREAS, the Management District Plan determined that 12.29% of the Emery Go-Round users were engaged in general benefit activities; now, therefore be it

RESOLVED, that the City Council of the City of Emeryville approves the ETMA 2023 Budget, attached hereto as Exhibit A; and, be it, further

RESOLVED, by the City Council of the City of Emeryville hereby approves setting the compensation to the Emeryville Transportation Management Association (ETMA) to operate the Emery Go-Round shuttle and related services during the 2023 calendar year, under the terms of the service agreement for an amount not to exceed Four Million, Three Hundred Seventy-Three Thousand, Five Hundred Fifty-Two Dollars (\$4,373,552); and authorizes payment from the Emeryville Property Based Business Improvement District Fund 805; and be it further

RESOLVED, that the City Council of the City of Emeryville authorizes an additional Six Hundred Thirty-Four Thousand, One Hundred Sixty-Four Dollars (\$634,164) from the Emeryville Property Based Business Improvement District Fund 805 be paid to the ETMA to cover the General Benefit contribution.

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ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, December 20, 2022, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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CITY ATTORNEY