

(R-92-985)

RESOLUTION NUMBER R- 279400

ADOPTED ON FEB 10 1992

RESOLUTION AMENDING COUNCIL POLICY NO. 900-07
REGARDING BUSINESS IMPROVEMENT DISTRICTS.

BE IT RESOLVED, by the Council of The City of San Diego,
that Council Policy No. 900-07 entitled, "Business Improvement
Districts," be and it is hereby amended as set forth in the
Council Policy filed in the office of the City Clerk as Document
No. RR- 279400.

BE IT FURTHER RESOLVED, that the City Clerk is hereby
instructed to add the aforesaid to the Council Policy Manual.

APPROVED: JOHN W. WITT, City Attorney

By


Allisyn L. Thomas
Deputy City Attorney

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01/09/92
Or.Dept:Prop.
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COUNCIL POLICY

SUBJECT

Business Improvement Districts

POLICY
NUMBER

900-07

EFFECTIVE
DATE

2/10/92

Background

Business Improvement Districts (BID's) are governmentally-designated geographic areas formed to permit businesses to assess themselves to improve business conditions in community commercial areas. They are formed by the City Council under the provisions of State law (The Parking and Business Improvement Act law of 1989-SB 1424). The State legislature found that businesses located and operating within older commercial areas are at a competitive disadvantage with newer development because of inadequate parking, lack of organization and promotional programs. The legislature further found that it is in the public interest to promote the economic revitalization and physical maintenance of those older commercial areas in order to create jobs, attract new businesses and prevent erosion of the districts.

Oftentimes, voluntary merchant's associations serve as the catalyst to form a district. While effective, purely voluntary organizations by themselves benefit all businesses but draw their resources from only a minority. BID's permit the costs of improvements to be spread equitably over all those who benefit.

BID's are not voluntary organizations; they should, however, have the strong support of the underlying membership. They require annual budgets, assessments and hearings and generally have the same formation, administration and dissolution criteria as other governmental assessment entities. The City collects the assessment, contracts with a business association to carry out the improvement program and generally oversees the district operation. In its most successful form, however, the business district and its related association have a great deal of latitude in defining and carrying out their improvement programs with a minimum of bureaucratic intervention and related governmental overhead costs.

Purpose

The purpose of this policy is to provide guidelines to establish, administer and provide for the orderly dissolution of BID's within the City.

Policy

It shall be the policy of the City Council to encourage the establishment and support the operation of Business Improvement Districts in the City's older commercial areas.

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COUNCIL POLICY

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POLICY
NUMBER 900-07EFFECTIVE
DATE 2/10/92

The following criteria shall apply to the operation of such BIDs:

Establishment

- Upon presentation of a petition signed by 20% of the eligible businesses within the proposed district, staff shall conduct a mailed election of all eligible businesses. The election shall be held to determine whether there exists at least 50% of eligible businesses by assessed value that support district formation. In the event that 50% or more of the total number of eligible businesses by assessed value do not vote to support formation, further proceedings shall cease and the district shall not be formed. Non-responses to the election shall not be deemed as supporting formation.
- The district shall include only commercially-zoned property and (optionally) licensed residential rental units.
- Businesses with Home Occupancy Permits may be excluded.
- Establishment shall be considered once annually prior to confirming the budget and levying the annual assessment for the following fiscal year.
- Reasonable costs incurred by the City (including expenses of the mailed election) and the district sponsor (including expenses of petition gathering) related to establishment may be reimbursed from subsequent assessments.

Administration

- The Council, as part of the annual confirmation of the various B.I.D. budgets, shall designate an entity, generally a non-profit business or merchant's association (the association) within each district to advise the Council on the district budget, assessments and activities and to carry out the improvement program.

Selection of the entity shall be based upon its involvement in small business affairs within the district, demonstrated track record and representation of business.

- The association shall be a legally formed California non-profit corporation whose membership shall include all businesses within the district holding current business tax certificates. The association shall elect its board at an annual meeting of the

COUNCIL POLICY

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Business Improvement Districts

POLICY
NUMBER 900-07EFFECTIVE
DATE 2/10/92

membership called for that purpose and shall take affirmative action to assure its board reflects the ethnic and business diversity of the community; notice of the meeting shall be provided to all eligible businesses.

- Policy issues including assessment levels should be resolved through the board election process.
- Proposed changes in assessment levels and changes to district boundaries shall be noticed to the BID membership. Any such proposed changes shall be approved by at least two-thirds of the association board of directors prior to City Council consideration.
- The City Treasurer shall collect the BID fees as part of the business tax certificate process. Fees collected shall be first applied against the BID fees due.

Disestablishment

- Disestablishment for any district shall be considered no more than once annually prior to confirming the budget and levying the annual assessment. The Council will consider disestablishment where strong support for such action is indicated by one or more of the following:
 - upon presentation of a petition signed by 20% of the eligible businesses within the district, staff shall conduct a mailed election of all eligible businesses. The election shall be held to determine whether there exists at least 50% of eligible businesses by assessed value that support district disestablishment. In the event that 50% or more of the total number of eligible businesses by assessed value do not vote to support disestablishment, further proceedings shall cease and the district shall not be disestablished. Non-responses to the election shall be not be deemed as supporting disestablishment. The Council will consider only one petition process per district for disestablishment in any three-year period.
 - a resolution by at least four-fifths of the total number of directors of the association. In this event, the Council may proceed to disestablish the district or take any other appropriate action including district continuance.
 - special circumstances as determined by the Council.

COUNCIL POLICY

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Business Improvement Districts

POLICY
NUMBER

900-07

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- In the event of disestablishment, the Council shall allow for an appropriate period to permit for a reasonable wind down of operations and to assure that existing contracts are not impaired. Any remaining assets shall be returned to those businesses of record who were current in their BID assessments at the effective date of the disestablishment ordinance. If the costs to return the remaining assets is greater than the amount of the assets, then the assets shall be spent on an eligible BID activity as determined by the City Manager.

Implementation

- The City Manager shall establish the necessary administrative procedures to implement this policy.

HISTORY

Adopted by Resolution R-265208, 3/10/85

Amended by Resolution R-279400, 2/10/92

201

FEB 10 1992

Passed and adopted by the Council of The City of San Diego on
by the following vote:

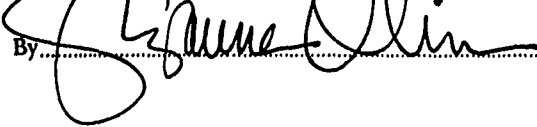
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR
.....
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
.....
City Clerk of The City of San Diego, California.

By  Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-279400 Adopted FEB 10 1992

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CITY CLERKS OFFICE
SAN DIEGO, CA

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