



**BIA Ratepayer Board Meeting
August 14, 2017 – 1:00 PM
Auburn City Hall Council Chambers
AGENDA**

I. CALL TO ORDER

Roll Call

II. APPROVAL OF MINUTES

July 10, 2017 Meeting

III. FINANCIAL REPORT

IV. ACTION ITEM

Discussion of Draft of New Ordinance – Assistant City Attorney Jessica Leiser

V. OLD BUSINESS

- A. Business License List – Exemptions and Fees – Manager Lein
- B. Report on Food Truck Ordinance and Meeting with Restaurant Owners – Manager Lein

VI. NEW BUSINESS

Report on Auburn Downtown Association Meeting

VII. ADJOURNMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, CREATING A NEW CHAPTER OF THE AUBURN CITY CODE RELATED TO THE AUBURN BUSINESS IMPROVEMENT AREA.

WHEREAS, the Auburn City Council adopted Ordinance No. 4293 in 1988, after publishing notice of the Council's intent in Resolution 1866 and holding a public hearing on July 5, 1988; and

WHEREAS, Ordinance No. 4293 established a Business Improvement Area (BIA), and levied special assessments on certain businesses within the geographic boundary of the BIA; and

WHEREAS, Ordinance No. 4293 established a Committee of Rate Payers, made up of representatives of businesses within the geographic boundary of the BIA, for the purpose of developing recommendations to the City Council for the use of funds generated by the special assessment; and

WHEREAS, the City Council modified Ordinance No. 4293 in 2007, upon the recommendation of the Committee of Rate Payers, through Ordinance No. 6097, to make the rate of special assessment uniform amongst all assessed businesses; and

WHEREAS, the Committee of Rate Payers has reviewed the status of the BIA and recommended certain modifications to better facilitate economic development within downtown Auburn, including the modification of existing exemptions to the special assessments levied within the geographic boundary of the BIA; and

WHEREAS, the City adopted Resolution No. XXXX, stating its intention to modify the BIA special assessment rate on DATE; and

WHEREAS, the City has held a duly noticed public hearing, pursuant to RCW 35.87A.140, and considered the testimony provided therein; and

WHEREAS, the provisions for other boards and commissions of the City of Auburn have been established within the Auburn City Code; and

WHEREAS, establishing provisions within the Auburn City Code for the BIA, including the structure and responsibilities of the Committee of Rate Payers and the rate and application of special assessments, will ensure that all applicable law can be found within a single place, a Chapter of the City Code, instead of spread across multiple Ordinances in multiple decades; and

WHEREAS, the City finds that updating the provisions of the BIA, including modification of the exemptions to the special assessment rate, and establishing said updates within the Auburn City Code will promote the public health, safety, and welfare of the residents of Auburn.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. New Chapter to City Code. That a new Chapter 2.98 of the Auburn City Code is created to read as follows:

2.98.010 Business Improvement Area Created.

- A. There is created, pursuant to RCW 35.87A, a Parking and Business Improvement Area (BIA) is hereby created with a boundary as follows:

Beginning at the intersection of Auburn Way North and 5th Street NE; thence eastward along the alley lying between and paralleling 6th Street NE and Park AV, for a distance of 200 ft from the centerline of Auburn Way North; thence south, paralleling Auburn Way North and at a distance of 200 ft from the centerline of Auburn Way North, to 1st Street NE; thence eastward along 1st Street NE to "E" Street NE; thence southward along "E" Street NE to East Main Street; thence eastward along Main Street to "F" Street SE; thence southward along "F" Street SE to 2nd Street SE; thence westward along 2nd Street SE to the mid-block point between "D" Street SE and Auburn Way South; thence southward to the Burlington Northern Railroad tracks; thence westward along the Burlington Northern Railroad tracks to "A" Street SE; thence northward along "A" Street SE to 3rd Street SE; thence westward along 3rd Street SE and SW to the Burlington Northern Railroad tracks; thence northward along the Burlington Northern Railroad tracks to 1st Street SW projected; thence westward along 1st Street SW to "D" Street SW; thence northward along "D" Street SW and NW for a distance of 200 ft from the centerline of West Main Street; thence eastward, paralleling Main Street and at a distance of 200 ft from the centerline of West Main Street, to the Burlington Northern Railroad tracks; thence northward along the Burlington Northern Railroad tracks to 3rd Street NW; thence eastward along 3rd Street NW and NE to "B" Street NE; thence northward along "B" Street NE for a distance of 200 ft from the centerline of 3rd Street NE; thence eastward, paralleling 3rd Street NE and at a distance of 200 feet from the centerline of 3rd Street NE, to the alley running in a north/south direction and lying east of "B" Street NE and west of Auburn AV; thence northward along the alley to 5th Street NE; thence eastward along 5th Street NE to Auburn Way North, which is the beginning point (when a street or alley is named, the area boundary is the centerline of the right-of-way).

- B. Businesses within the Auburn Central Business District Parking and Business Improvement Area shall be subject to special assessments authorized by RCW 35.87A.010.

2.98.020 Special Assessment of Businesses Within BIA Boundary.

- A. To finance the activities authorized in ACC 2.98.030, there is levied and shall be collected an annual special assessment upon the businesses in the area, determined as follows:

1. All businesses operating within the BIA boundary shall pay a special assessment equal to the usable square footage, excluding any basement space, owned or occupied by said business multiplied by a factor of \$0.15.
2. No business shall be assessed less than \$150.00 nor more than \$1,500.00 per year.

B. No special assessments shall be levied upon or collected from:

1. Organizations to which a charitable contribution may be made under the United States Internal Revenue Code, 26 U.S.C. § 170, with five (5) or fewer full-time employees.
2. Governmental agencies and offices.
3. Businesses that occupy or use any leasable area within the geographic boundary of the BIA for a period of less than twenty days (20) per year.
4. Businesses that are owned by, or are a subsidiary, or affiliate of another business entity that is subject to the special assessment, and are located wholly within the assessed business.
5. Businesses authorized by Auburn City Code Chapter 18.60.
6. Businesses operating within a business incubator or business accelerator.
7. Businesses not required to obtain a business license under Title 5 of the Auburn City Code.

C. New businesses commencing within the BIA area shall pay an initial annual assessment that is pro-rated based on the time remaining in the year.

2.98.030 Purpose of BIA and Special Assessment Expenditures.

A. The purpose of the BIA is to aid in general economic development and neighborhood revitalization within the BIA boundary, and to facilitate the cooperation of merchants, businesses, and residential property owners for the benefit of trade, economic vitality, and liveability.

B. Assessment expenditures are limited to the following purposes:

1. The acquisition, construction or maintenance of parking facilities for the benefit of the neighborhood within the BIA boundary;
2. Decoration of any place within the BIA boundary;
3. Sponsorship or promotion of public events which are to take place on, or in, public places within the BIA boundary;
4. Furnishing of music in any public place within the BIA boundary;
5. Providing professional management, planning, and promotion for the neighborhood within the BIA boundary;
6. Providing maintenance and security for common, public spaces within the BIA boundary; or
7. Providing transportation services for the benefit of the neighborhood within the BIA boundary.

2.98.040 Committee of Rate Payers created.

There is created an advisory committee to be known as the Committee of Rate Payers (the Committee). The purpose of the Committee is to serve in an advisory capacity to the City Council.

2.98.050 Membership.

- A. There shall be not more than seven (7) members of the Committee who shall be appointed by the mayor and confirmed by the city council, and who shall serve at the pleasure of the city council; provided that the mayor may appoint up to four (4) additional members to serve as alternates in the event of a Committee member's absence.
- B. The members shall be owners or operators of businesses located within the BIA boundary and shall be selected to represent the variety of business types and geographic locations included within the BIA boundary.

2.98.060 Appointment.

- A. The members of the Committee shall, initially, be appointed as follows:

- B. After the initial term, Committee members shall be appointed to a three (3) year term.
- C. Upon the resignation of a Committee member, removal by the City Council, or expiration of a Committee members term, the Committee shall make recommendations to the City Council and the City Council shall make an appointment to fill the vacancy.
- D. The Committee, upon four (4) unexcused absences, may recommend the removal of any Committee member to the City Council.

2.98.070 Officers – Meetings.

- A. At the first regular meeting of each year, the Committee members shall elect a chairperson and vice-chairperson from among the members of the Committee.
- B. It shall be the duty of the chairperson to preside over all meetings of the Committee. The vice-chairperson shall preside at all meetings where the chairperson is absent.
- C. Minutes shall be kept and meeting agendas prepared in coordination between members of the Committee and staff members. A majority of the members of the Committee shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to make recommendations to the city council.
- D. All Committee meetings shall be staffed by City of Auburn personnel to support and assist the Committee.
- E. All Committee meetings shall be conducted in accordance with the Committee's adopted rules for the transaction of business, and Robert's Rules of Order or any other meeting procedures or guidelines authorized by the City of Auburn shall be used for any subject not addressed within the Committee's adopted rules of procedure.

2.98.080 Compensation.

The members of the Committee shall serve without compensation except for reasonable travel expenses associated with the performance of the Committee member's duties.

2.98.090 Role and Responsibilities of the Committee.

- A. The Committee shall, by resolution, fix the time and place within the City for regular meetings, and hold additional meetings as the chairperson or a majority of the Committee deems necessary.
- B. The Committee shall adopt rules for the transaction of business and keep a record of its resolutions, transactions, findings, and determinations. These records shall be public and open to inspection.
- C. The Committee shall consider proposals for economic development and neighborhood revitalization projects and programs consistent with the purposes listed in 2.98.030, provide for public input and submit comments in a timely manner to the Mayor and City Council, including an analysis of the extent to which the Committee's recommendations will improve economic development or downtown revitalization.

2.98.100 Annual reports of progress.

The Committee chairperson and/or vice-chairperson shall annually provide to the city council a report on progress made in carrying out the Committee's responsibilities. Additional reports may be submitted when deemed appropriate by the Committee or when requested by the city council.

2.98.110 Severability.

If any portion of this chapter, or its application to any persons or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, and its application to other persons or circumstances, shall not be affected.

Section 2. Superseding of Original Ordinance. Ordinance No. 4293

and Ordinance No. 6097 are hereby superseded by this Ordinance.

Section 3. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 4. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: _____



8/9/2017

BIA Board

Attention: Megan White, Board Chair

On behalf of the Board of Directors of the Auburn Area Chamber of Commerce, we invite and encourage collaboration and partnerships in the interest of economic vitality and business assistance here in the Puget Sound, which is why we would like to offer the BIA a liaison seat (non-voting member) on the Board of Directors for the 2017-2018 fiscal year (July 1 to June 30).

Please let us know if this is of interest to you. Our Board meets monthly on the 4th Tuesday of the month at the Chamber office from 11:45 a.m. to 1:00 p.m.

We look forward to the opportunity to work with you.

Sincerely,

Scott Shoemaker
Chairman of the Board
Auburn Area Chamber of Commerce