



**BIA Ratepayer Board Meeting
July 10, 2017 – 1:00 PM
Auburn City Hall Council Chambers
AGENDA**

I. CALL TO ORDER

Roll Call

II. APPROVAL OF MINUTES

A. June 19, 2017 Special Meeting

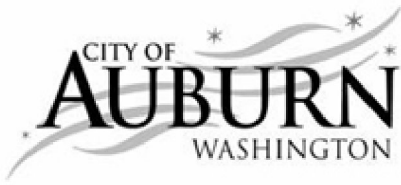
III. OLD BUSINESS

- A. Draft of New Ordinance
- B. Modification to City's Fee Schedule
- C. Financial Report
- D. Business License List – Exemptions and Fees

IV. NEW BUSINESS

- A. Report on Auburn Downtown Association Meeting
- B. Discussion of Food Truck Location Requirements
- C. Possibility of a Monthly BIA Newsletter

V. ADJOURNMENT



**BIA Ratepayer Board
Special Meeting
June 19, 2017 – 2:00 PM
Auburn City Hall Council Chambers
MINUTES**

I. CALL TO ORDER

Roll Call

Meeting was called to order at 2:05 am by Chair, Megan White

Board Members present: Chair Megan White, Vice Chair Giovanni DiQuattro, Board Members Ronnie Roberts, Kirk Lantier, William Cowart, Josef Forsberg, Laura Theimer. Board Members Kelly Gordon, Darren Jones, Bob Klontz, Lynda Krill, Ruth Neil-Stover were not present.

Staff present: Doug Lein, Economic Development Director; Holly Ferry, Board Secretary; Jessica Leiser, Assistant City Attorney

II. APPROVAL OF MINUTES

Board Member Cowart moved and Member DiQuattro second to approve March 16, 2017 minutes.

MOTION CARRIED UNANIMOUSLY. 7-0

III. ACTION ITEMS

A. Elect a Vice Chair

Board Member Cowart moved and Member Forsberg second to approve the election of Board Member Giovanni DiQuattro to the position of Vice Chair.

MOTION CARRIED UNANIMOUSLY. 7-0

B. The Board agreed to hold monthly meetings on the second Monday of each month at 1:00 pm in City Hall Council Chambers.

Board Member Cowart moved and Member Forsberg second to approve the BIA monthly meeting schedule.

MOTION CARRIED UNANIMOUSLY. 7-0

Board Member Lantier asked for reconsideration and recommended that the meeting that would occur on the second Monday of October be moved to the third Monday, due to the Columbus Day holiday. Doug stated that if the set date of a meeting falls on a holiday, the meeting would take place the following business day. The Board agreed to decide at the September meeting when or if they would hold the October meeting.

- C. Board Member Lantier moved and Member Cowart second to approve the April 18, 2017 meeting notes.

MOTION CARRIED UNANIMOUSLY. 7-0

Board Member Lantier moved and Member Cowart second to approve the May 16, 2017 meeting notes.

MOTION CARRIED UNANIMOUSLY. 7-0

- D. Set Date and Time for BIA Roundtable

Board Member Roberts motioned to discuss the date and time for a BIA Roundtable and Member Forsberg second to approve.

It was decided that the Board would go over the details in the July meeting and set a date and time for a Roundtable in the August meeting.

Board Member Roberts withdrew his motion to discuss the date and time for a BIA Roundtable and asked to consider it at the end of the meeting and Member Forsberg concurred.

At the end of the meeting the Board decided that they would schedule the BIA Roundtable at the July meeting. Board Member Roberts motioned and Member Forsberg second to approve.

MOTION CARRIED UNANIMOUSLY. 7-0

IV. DISCUSSION ITEMS

- A. Report on Auburn Downtown Association meeting – Josef Forsberg
There was no report.

- B. Review and Discuss Financial Report

Doug Lein reported that nothing has been taken out of the BIA's account in the last three months, and by the July meeting, the Board will know exactly where they are financially and what the projected revenue would be on the next renewal period.

C. Review and Discuss 2017 Current Map and Business License List

Doug Lein gave the Board a vetted list of every business that was billed for 2017 fees and if they were collected or not. 192 business licenses were billed in 2017, 148 paid, and the remaining were exempt. At the July meeting, he will provide a list that will show all who were exempt and why and will also give an estimate of what their fees will be.

D. Discussion on Ordinance #4293 – Establishing a BIA

Jessica Leiser, Assistant City Attorney, informed the Board that she did a page-by-page review of Ordinance #4293 and recommended adopting a new ordinance that would give the Board code provision within the Auburn City Code. She noted that there is language in the existing ordinance that does not apply anymore, and in order to know what the current structure and rules are, all three would have to be read together. If adopting a code provision, anything that is in code is the current version. She went over the essential provisions to determine what the members want and also made recommendations. She encouraged the Board follow a provision where they would use Robert's Rules of Order and also adopt Rules of Procedure, saying that Robert's Rules of Order are the Board's default when the Rules of Procedure are silent. At the next meeting, Jessica will have a draft ordinance prepared to present to City Council. She will propose some modification to the City's fee schedule, and the Board can do one of three things: recommend it to the City Council, not recommend it to the City Council, or recommend it with modifications. (This item was discussed after Discussion Item A.)

V. ADJOURNMENT

Because the meeting had run for two hours, a motion was made to adjourn the meeting at this point, before all discussion items were addressed. Discussion of Food Truck Location Requirements, and a monthly BIA newsletter will be addressed at the next meeting.

Board Member Roberts moved and Member DiQuattro second to approve to adjourn the meeting.

MOTION CARRIED UNANIMOUSLY. 7-0

The meeting adjourned at 3:57 pm.

APPROVED this 10th day of July, 2017.

Megan White, Chair

Holly Ferry, Board Secretary

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 the 6th Street NE and Park AV, for a distance of 200 feet from the centerline of Auburn Way North; thence south, paralleling Auburn Way North and at a distance of 200 feet from 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; thence westward along the Burlington Northern Railroad tracks to “A” Street SE; thence northward along “A” 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 feet from the centerline of West Main Street; thence eastward, paralleling Main Street and at a distance of 200 feet 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 feet 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. Any businesses operating within the BIA boundary shall pay a special assessment equal to the net leasable area of the business, excluding any basement space, 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 employees.
2. Governmental agencies and offices.
3. Businesses that do not occupy or use any leasable area of any building within the geographic boundary of the BIA.
4. Businesses that occupy or use any leasable area within the geographic boundary of the BIA for a period of less than fifteen days (15) per year.
5. 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.
6. Businesses authorized by Auburn City Code Chapter 18.60.

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

is 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: _____