RESOLUTION NO. 2151-07

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2007/2008 AND TO HOLD A PUBLIC HEARING

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code §§ 36500 *et seq.*) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, business merchants located within Old Downtown Windsor requested that the Town Council establish a business improvement area to promote business activities and events within the District; and

WHEREAS, the Old Downtown Windsor Business Improvement District ("District") was established on July 7, 2004 by Ordinance No. 2004-182, adding Article 1 of Chapter 7 of Title XVI to the Town of Windsor's Municipal Code; and

WHEREAS, Ordinance No. 2004-182 established business classifications and reasonable assessments applicable to those business classifications; and

WHEREAS, the assessment fees collected on behalf of the District by the Town has enabled the District to conduct educational programs, provide promotion, marketing and advertising opportunities, and to sponsor public events benefiting businesses within the District, such as a KJZY Jazz concert, Easter Egg Hunt, and Old Time Celebration; and

WHEREAS, California Streets and Highways Code section 36530 *et seq.* authorizes the Town to appoint an advisory board which shall prepare and file an annual report for each fiscal year for which assessments are to levied and collected to pay the costs of the improvements and activities described in the report; and

WHEREAS, the Town Council appointed an Advisory Board consisting of the District Board of Directors on June 20, 2007 by Resolution No. 2076-07; and

WHEREAS, the District's Advisory Board has prepared and filed with the Town Clerk the "Old Downtown Windsor Business Improvement District Fiscal Year 2007-2008 Annual Report" ("2007-2008 Report") and at the September 19, 2007 Council meeting, the Council considered and discussed the 2007-2008 Report; and

WHEREAS, pursuant to California Streets and Highways Code section 36534, the Town Council shall adopt a resolution of intention to levy an annual assessment after approving the annual report.

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES RESOLVE AND DECLARE AS FOLLOWS:

Section 1. The Council intends to levy and collect assessments within the District, as identified in the 2007-2008 Report as filed.

Section 2. The improvements and/or activities proposed for the District will be funded by the levy of assessments on businesses within the District and may include, but are not limited to, the following: general promotion of business activities within the District, promotion of public events which benefit businesses in the district and which take place on or in public places within the District, decoration of any public place within the District, and acquisition, construction, installation or maintenance of improvements including, but not limited to, the following: parking facilities, benches, trash receptacles, street lighting, decorations, parks and fountains.

Section 3. The District is identified by name as the "Old Downtown Windsor Business Improvement Association" and the current boundaries of the District are set forth in Exhibit One, herein attached and incorporated into this Resolution.

Section 3. For a full and detailed description of the improvements and activities to be provided for the 2007-2008 fiscal year, the boundaries of the District, and the proposed assessments to be levied upon each business within the District for the 2007-2008 fiscal year, please refer to a copy of the "Old Downtown Windsor Business Improvement District Fiscal Year 2007-2008 Annual Report," as modified, on file in the office of the Town Clerk and available for public review in the Clerk's office during regular business hours.

Section 4. On Wednesday, October 17, 2007 at 6:00 p.m. or as soon thereafter as the matter may be heard, in the Town Council Chambers located at 9291 Redwood Highway, Building 400, Windsor, California, a public hearing shall be held by the Town Council on the levy of the proposed assessment for the 2007-2008 fiscal year.

Section 5. At the public hearing on October 17, 2007, Council shall hear and consider all written and oral protests against the levy of the proposed assessments for the 2007-2008 fiscal year. The form and manner of protests shall comply with Streets and Highways Code section 36524 and 36525.

A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest and at the public hearing may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the businesses and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with this section shall not be counted in determining a majority protest.

If written protests are received from the owners of businesses in the District that will pay 50 percent or more of the assessments proposed to be levied, and protests are not withdrawn so as to reduce the protests to less than the 50 percent, no further proceedings to create the District or to levy the proposed assessment, as contained in this Resolution of Intention shall be taken for a period of one year from the date of the finding of a majority protest by the Town Council. If the majority protest

is only against the furnishing of a specified type or types of improvement or activity within the District, those types of improvements or activities shall be eliminated.

Section 6. The Town Clerk is directed to give notice of a public hearing on the aforementioned matters in accordance with California Streets and Highways Code Section 36534. Notice of the public hearing shall be given by publishing the resolution of intention in a newspaper of general circulation in the Town once, for at least seven days before the public hearing. Notice of the public hearing shall be given by mailing a complete copy of this Resolution of Intention by first-class mail to each business owner to be assessed within the District, within seven (7) days following the Town Council's adoption of this Resolution of Intention.

PASSED, APPROVED AND ADOPTED this 19th day of September 2007 by the following vote:

AYES: **COUNCILMEMBERS FUDGE, SALMON AND MAYOR PARKER**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **COUNCILMEMBERS ALLEN AND GOBLE**

WARIN J. PARKER, MAYOR

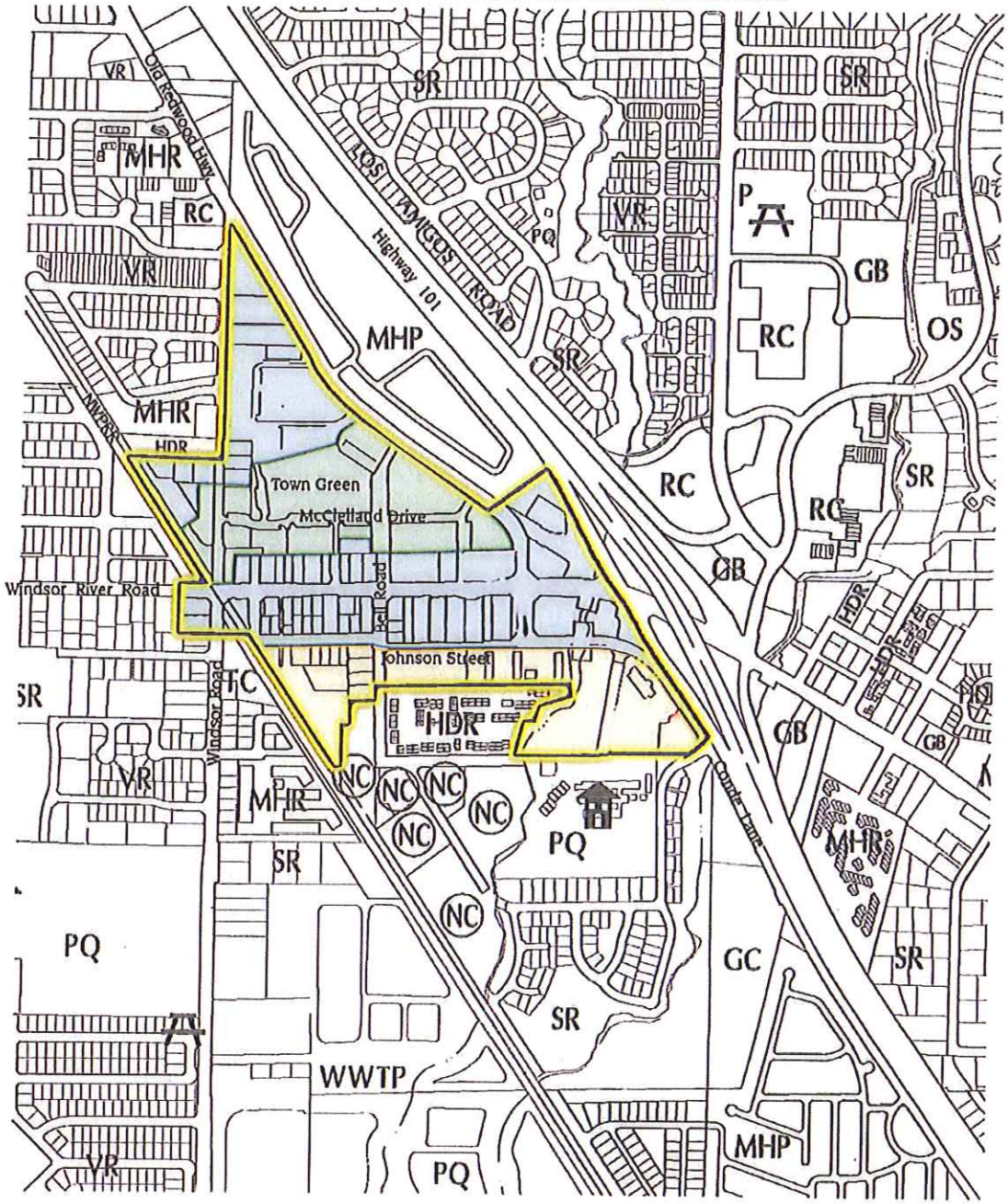
ATTEST:

MARIA DE LA O, TOWN CLERK

Attachment:
Exhibit One - Assessment Boundaries for the Old Downtown Windsor Business Improvement District

Exhibit "One"

Assessment Boundaries
for
The Old Downtown Windsor Business Improvement District
Effective for the 2007-2008 Assessment Period



Legend

BID Boundary

Assessment Zones

ZONE A
ZONE B
ZONE C

THE MAP STORE