

RESOLUTION NO. 2322-08

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
APPROVING AND CONFIRMING
THE OLD DOWNTOWN WINDSOR BUSINESS IMPROVEMENT DISTRICT
MANAGEMENT PLAN AND BUDGET FOR FISCAL YEAR (FY) 2008/2009
AND LEVYING THE ASSESSMENT
FOR THE OLD DOWNTOWN WINDSOR BUSINESS IMPROVEMENT
DISTRICT FOR FY 2008/2009**

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, 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 Kid’s Summer Movie Series and Easter Egg Hunt; 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, in accordance with California Streets and Highways Code section 36533, the District’s Advisory Board has prepared and filed with the Town Clerk the “Old Downtown Windsor Business Improvement District Fiscal Year 2008-2009 Annual Report” (“2008-2009 Report”) and at the June 18, 2008 Council meeting, the Council considered and discussed the 2008-2009 Report; and

WHEREAS, pursuant to California Streets and Highways Code §36534, on June 18, 2008, the Town adopted Resolution No. 2306-08, entitled “A Resolution of the Town Council of the Town of Windsor Declaring Its Intention to Levy an Annual Assessment

for Fiscal Year 2008/2009, and to Hold a Public Hearing” (“Resolution of Intention”), which declared the Town Council’s intention to levy and collect assessments within the District for Fiscal Year 2008-2009, and to hold a public hearing, where written and oral protests are heard by the Town Council at the regularly scheduled Town Council meeting on July 16, 2008 at approximately 6:00 p.m. or as soon thereafter as the matter may be heard in the Council Chambers at Town Hall, 9291 Old Redwood Highway Building 400, Windsor, California; and

WHEREAS, in accordance with California Streets and Highways Code §§ 36523(a) and 36534(b), the Town Clerk caused a complete copy of the Resolution of Intention to be published in a newspaper of general circulation at least seven days before the July 16, 2008 public hearing; and

WHEREAS, the Town Clerk caused complete copies of the Resolution of Intention to be mailed by first-class mail, following Council’s action on June 18, 2008, to each business owner to be assessed in the 2008-2009 Report; and

WHEREAS, at said meeting of July 16, 2008, written and verbal evidence for and against the proposed assessments of the District was received and considered by the Town Council and, in accordance with section 36524 and 36525 of the Act, written protests were not received from business owners that will pay 50% or more of the proposed assessments, either concerning levy of the proposed assessments, or the types of proposed improvements or activities; and

WHEREAS, the Town Council finds that the businesses within the District and the property within the District will benefit by the improvements and activities funded by the assessments proposed to be levied for the purposes therein described pursuant to the Act; and

WHEREAS, in accordance with Section 36530 of the Act the Town Council has appointed an advisory board to make recommendations to the Town Council on the expenditure of revenues derived from the levy of assessments for the District, on the classification of businesses, and on the method and basis of levying the assessments; and

WHEREAS, in accordance with Section 36533 of the Act such advisory body has prepared a report for the 2008/2009 fiscal year for the levying of assessments and their collection to pay the costs of the improvements and activities described in the report; and

WHEREAS, such report for the 2008/2009 fiscal year has been filed with the Town Clerk and refers to the District by name, specifying the fiscal year to which the report applies, and contains:

1. The improvements and activities to be provided for the 2008/2009 fiscal year;

2. An estimate of the cost of providing improvements and activities for the 2008/2009 fiscal year;
3. The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for the 2008/2009 fiscal year;
4. The amount of any surplus or deficit revenues to be carried over from a pervious fiscal year; and
5. The amount of any contributions to be made from sources other than assessments levied pursuant to the Act;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Windsor that:

1. The above recitals are true and correct and hereby declared to be findings of the Town Council of the Town of Windsor.
2. The report prepared for the 2008/2009 fiscal year for the levying of assessments and their collection to pay the costs of the improvements and activities described in the report for the Old Downtown Windsor Business Improvement District is confirmed as filed or amended by the Town Council of the Town of Windsor.
3. In accordance with California Streets and Highways Code Section 36535, the Town Council of the Town of Windsor levies the assessments for the Old Downtown Windsor Business Improvement District for the 2008/2009 fiscal year pursuant to the requirements of the Business Improvement Area Law of 1989, Article 1 of Chapter 7 of Title XVI of the Town of Windsor Code, and the report prepared for the District and filed with the Town Clerk for the 2008/2009 fiscal year.
4. Each component of this resolution is severable. Should any portion of this resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The Town Council of the Town of Windsor hereby declares that it would have adopted this resolution and each section, subsection, clause, sentence, phrase, and other portion thereof, irrespective of the fact that one or more section, subsection, clause, sentence, phrase, or other portion may be held invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED this 16th day of July 2008, by the following vote:

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



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK