

**RESOLUTION NO. 2414-09**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF WINDSOR  
REPEALING RESOLUTION NO. 2322-08 AND FREEZING THE OLD DOWNTOWN  
WINDSOR BUSINESS IMPROVEMENT DISTRICT (BID) LEVY OF AN ANNUAL  
ASSESSMENT FOR FISCAL YEAR 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**, 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 Easter Egg Hunt, and Kids Movie Series on the Town Green; 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 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; 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**, at said meeting of July 16, 2008, the Town Council adopted Resolution No. 2322-08, entitled " 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" which approved the levy of 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

**WHEREAS**, on November 14, 2008 BID President Bill Fallis submitted a letter to the Town Council on behalf of the Advisory Board requesting that the Town of Windsor freeze the Old Downtown Windsor Business Improvement District's assessment fee for the 2008/2009 fiscal year; and

**WHEREAS**, the letter cites various explanations for the request to freeze the imposition and collection of the BID annual assessment for the 2008/2009; and

**WHEREAS**, the BID letter cites a loss of focus, declining member confidence, participation, and unity, confusion about the benefits of the BID and a sense of animosity amongst the BID members as reasons to freeze the BID assessments; and

**WHEREAS**, a freeze in the 2008/2009 imposition of assessment would afford the BID Board the time to accomplish a number of proposed goals including the establishment of a new methodology for improved & timely communication amongst the BID membership.

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

Section 1. The Council repeals Resolution No. 2322-08 which levied the assessments for the Old Downtown Windsor Business Improvement District for the 2008/2009 fiscal year.

Section 2. The Council freezes and takes no action to collect the assessments that were levied for the District for the 2008/2009 fiscal year.

Section 3. The "freeze" will in no way impair the Town's authority to impose and collect an annual assessment for the 2009-2010 fiscal year and beyond should circumstances warrant imposition of such an assessment.

**PASSED, APPROVED AND ADOPTED** this 7<sup>th</sup> day of January 2009, by the following vote:

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



**ROBIN R. GOBLE, MAYOR**

**ATTEST:**

  
**MARIA DE LA O, TOWN CLERK**