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BILL NO. 41

ORDINANCE NO. 3067

CHRIS YAMAMOTO
CANYON COUNTY RECORDER
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ORDINANCE
CITY OF CALDWELL

AN ORDINANCE ENACTED BY THE CALDWELL CITY COUNCIL ESTABLISHING THE "DOWNTOWN CALDWELL BUSINESS IMPROVEMENT DISTRICT," PURSUANT TO CHAPTER 26, TITLE 50, OF THE IDAHO CODE, SETTING FORTH THE NUMBER, DATE AND TITLE OF THE RESOLUTION OF INTENTION PURSUANT TO WHICH THIS ORDINANCE IS BEING ADOPTED, LISTING THE TIME AND PLACE OF THE HEARING HELD CONCERNING THE FORMATION OF THE DISTRICT, DESCRIBING THE BOUNDARIES OF THE DISTRICT, STATING THAT THE BUSINESSES IN THE DISTRICT SHALL BE SUBJECT TO THE PROVISIONS OF THE SPECIAL ASSESSMENTS AUTHORIZED BY IDAHO CODE § 50-2601, SETTING FORTH THE INITIAL RATE OF LEVY OF SPECIAL ASSESSMENT TO BE IMPOSED, BY TIER, AND IDENTIFYING EXEMPTIONS, STATING THAT THE BUSINESS IMPROVEMENT DISTRICT HAS BEEN ESTABLISHED, AND DESCRIBING THE USES TO WHICH THE SPECIAL ASSESSMENT REVENUE SHALL BE PUT; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, Idaho Code § 50-2601, et seq., authorizes the organization of a Business Improvement District by any incorporated city;

WHEREAS, the formation of a Business Improvement District is accomplished by an initiation petition first being presented to the City Council;

WHEREAS, the City Council of the City of Caldwell, Idaho, has received a valid initiation petition;

WHEREAS, the Mayor and Council have passed a Resolution, to-wit, Resolution No. 146-16, declaring, *inter alia*, the City of Caldwell's intention to create the "Downtown Caldwell Business Improvement District";

WHEREAS, a complete copy of said Resolution No. 146-16 was published in the Idaho Press Tribune on August 2, 2016, and mailed on the 1st day of August, 2016, to each business in the proposed district, and, in addition, though not required by law, was also mailed to the owner of record of each property within the proposed district at their address on record at the Canyon County Assessor's Office, all in compliance with the notice of hearing requirements set forth in Idaho Code § 50-2605;

WHEREAS, a public hearing was held on August 15, 2016, at the hour of 7:00 p.m., in the Community Room of the Caldwell Police Department, located at 110 South 5th Avenue, Caldwell, Idaho, at which time and place the City Council in open and public session considered all protests and received all evidence for or against the creation of the "Downtown Caldwell Business Improvement District";

WHEREAS, the City did not receive protests from businesses in the proposed district which would pay a majority of the assessments; and

WHEREAS, having received all such protests and evidence, the Mayor and City Council desire to create the proposed "Downtown Caldwell Business Improvement District."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Caldwell, County of Canyon, State of Idaho:

Section 1: That the City of Caldwell, Idaho, by Resolution No. 146-16, of the Mayor and Council, adopted on July 18, 2016, adopted the following titled resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALDWELL, IDAHO, DECLARING THE INTENTION OF THE CITY TO ESTABLISH A BUSINESS IMPROVEMENT DISTRICT PURSUANT TO CHAPTER 26, TITLE 50, OF THE IDAHO CODE, FOR THE GENERAL PURPOSES ALLOWED THEREIN, STATING THE TIME AND PLACE OF A HEARING TO BE HELD BEFORE THE CITY COUNCIL TO CONSIDER ESTABLISHMENT OF SAID DISTRICT, AND RESTATING ALL OF THE INFORMATION CONTAINED IN THE INITIATION PETITION REGARDING BOUNDARIES, PROJECTS AND USES, AND ESTIMATED RATES OF ASSESSMENTS.

Section 2: That the City of Caldwell held a public hearing on the proposed formation of the Downtown Caldwell Business Improvement District at the hour of 7:00 p.m., in the Community Room of the Caldwell Police Department, located at 110 South 5th Avenue, Caldwell, Idaho, at which time and place the City Council in open and public session considered all protests and received all evidence for or against the creation of the "Downtown Caldwell Business Improvement District," and, thereafter, determined it to be in the best interest of the City of Caldwell to authorize this ordinance creating said "Downtown Caldwell Business Improvement District."

Section 3: That there shall be, and there hereby is created, a Business Improvement District in the City of Caldwell, Idaho, to be called the "Downtown Caldwell Business Improvement District," which shall include all the property within said improvement district; the boundaries of

and the lands to be included therein are in accordance with the resolution of intention, which was heretofore and hereby is, adopted, ratified, and approved; and the boundaries of said district are described as follows:

See Exhibit "A," attached hereto and incorporated herein by this reference, as if set forth in full.

Section 4: That the City of Caldwell hereby states, as required by Idaho Code § 50-2610(4), that the businesses in the district established by this ordinance shall be subject to the provisions of the special assessments authorized by Idaho Code § 50-2601, *et seq.*

Section 5: That the purposes for the establishment of the "Downtown Caldwell Business Improvement District" are as follows:

- a. The promotion of public events which are to take place on or in the District, including, but not limited to, regular promotional sales.
- b. The general promotion of retail trade and professional activities in the District, including, but not limited to, promotional advertising and marketing activities.
- c. The operational costs to manage, develop and promote the District, including the design and implementation of advertising and promotions, recruiting new businesses to the District, assisting the redevelopment of downtown business, and to participate in any other related activity necessary or desirable for the promotion of business in the District.
- d. The physical improvement and decoration of any public space within the District, including, but not limited to, the placement or replacement of trees, shrubs, and plants, the maintenance of downtown landscaping and improvements, and other projects intended to beautify and improve the appearance and welcoming nature of the District.
- e. The perpetual funding of operations at Indian Creek Plaza, including, but not limited to, management and staffing, scheduling, marketing, beautification, and programming of year round events at the Plaza.
- f. Any and all other purposes for which such a District may be formed pursuant to Idaho Code § 50-2601, *et seq.*

Section 6: That the City Engineer is hereby directed to make out an assessment role, according to the provisions of this ordinance. The rate of levy of the annual special assessment shall be as set forth below:

- a. In the case of properties located in Tier 1, the annual assessment shall be equal to one-third of one percent (1/3 %) of the most recent assessed value, as determined by the Canyon County Assessor's Office.
- b. In the case of properties located in Tier 2, the annual assessment shall be equal to one-quarter of one percent (1/4 %) of the most recent assessed value, as determined by the Canyon County Assessor's Office.
- c. The following properties shall be exempt from assessment:
 - i. Those residences qualifying for and receiving a "Homeowners Exemption" from Canyon County;
 - ii. Those properties, or portions of properties, qualifying for and receiving an exemption from Canyon County from payment of property taxes due to the owner or occupant's status as a "Nonprofit Organization," but only to the extent of the exemption granted;
 - iii. Those properties, or portions of properties, qualifying for an exemption from payment of real property taxes due to the owner or occupant's status as a governmental or quasi-governmental entity.
- d. Should the assessment of any single parcel of property (calculated in accordance with the above) be in excess of \$5,000.00, the owner of said property shall only be required to pay a maximum of \$5,000.00.

Section 7: That the proposed assessments shall be paid annually, and shall be assessed on a calendar year basis.

Section 8: The estimated rate of the annual special assessment may be changed up or down, as provided for and following the procedures and requirements set forth in Idaho Code § 50-2614.

Section 9: The life and duration of the proposed district shall be perpetual, unless disestablished in accordance with the procedures set forth in Chapter 26, Title 50, Idaho Code.

Section 10: This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 11: This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 12: All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

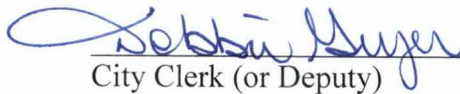
PASSED BY THE CITY COUNCIL, of the City of Caldwell, Idaho, this 15th day of August, 2016.

APPROVED BY THE MAYOR, of the City of Caldwell, Idaho, this 15th day of August, 2016.

ATTEST:



Mayor Garret Nancolas



City Clerk (or Deputy)

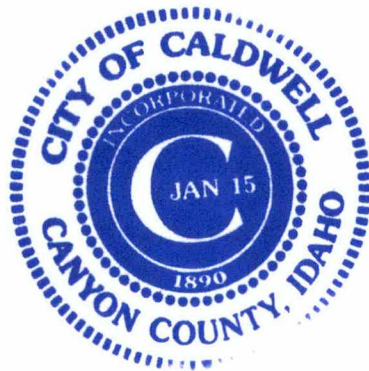


Exhibit "A"

RESOLUTION NO. 146-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALDWELL, IDAHO, DECLARING THE INTENTION OF THE CITY TO ESTABLISH A BUSINESS IMPROVEMENT DISTRICT PURSUANT TO CHAPTER 26, TITLE 50, OF THE IDAHO CODE, FOR THE GENERAL PURPOSES ALLOWED THEREIN, STATING THE TIME AND PLACE OF A HEARING TO BE HELD BEFORE THE CITY COUNCIL TO CONSIDER ESTABLISHMENT OF SAID DISTRICT, AND RESTATING ALL OF THE INFORMATION CONTAINED IN THE INITIATION PETITION REGARDING BOUNDARIES, PROJECTS AND USES, AND ESTIMATED RATES OF ASSESSMENTS.

WHEREAS, Idaho Code Title 50, Chapter 26, authorizes the organization of business improvement districts by any incorporated city;

WHEREAS, the formation of a business improvement district is accomplished by an initiation petition for being presented to the City Council containing a description of the boundaries of the proposed district, the proposed uses and projects to which the proposed special assessment revenues shall be put and the total estimated cost thereof, and the estimated rate of levy of special assessment, and containing the signatures of the persons who operate businesses or own business property in the proposed district which would pay fifty percent (50%) of the proposed special assessments; and

WHEREAS, the City Council of the City of Caldwell has received a valid initiation petition proposing the establishment of such a business improvement district in downtown Caldwell, Idaho.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALDWELL, IDAHO:

SECTION 1. INTENTION TO ESTABLISH DISTRICT; BOUNDARIES AND TIERED ZONES. It is the intention of the Mayor and Council of the City of Caldwell, Idaho, to establish a Business Improvement District to be designated as the Downtown Caldwell Business Improvement District (hereinafter the "District" or "B.I.D."), with the boundaries for the proposed District to be as shown on the attached map marked as Exhibit "A," which designates both the boundaries of the B.I.D., and the boundaries of the zones designated as Tier 1 and Tier 2 therein.

SECTION 2. PURPOSES OF PROPOSED DISTRICT. The purposes for the proposed District are as follows:

- a. The promotion of public events which are to take place on or in the District, including, but not limited to, regular promotional sales.

EXHIBIT A

- b. The general promotion of retail trade and professional activities in the District, including, but not limited to, promotional advertising and marketing activities.
- c. The operational costs to manage, develop and promote the District, including the design and implementation of advertising and promotions, recruiting new businesses to the District, assisting the redevelopment of downtown business, and to participate in any other related activity necessary or desirable for the promotion of business in the District.
- d. The physical improvement and decoration of any public space within the District, including, but not limited to, the placement or replacement of trees, shrubs, and plants, the maintenance of downtown landscaping and improvements, and other projects intended to beautify and improve the appearance and welcoming nature of the District.
- e. The perpetual funding of operations at Indian Creek Plaza, including, but not limited to, management and staffing, scheduling, marketing, beautification, and programming of year round events at the Plaza.
- f. Any and all other purposes for which such a District may be formed pursuant to Idaho Code § 50-2601, *et seq.*

SECTION 3. ESTIMATED COSTS. The total estimated District costs, are expected to be between \$200,000 and \$250,000 per year.

SECTION 4. ESTIMATED RATE OF LEVY; TIERED ZONES. The total estimated rate of levy of the annual special assessment revenue shall be in accordance with the following:

- a. In the case of properties located in Tier 1, the annual assessment shall be equal to one-third of one percent (1/3 %) of the most recent assessed value, as determined by the Canyon County Assessor's Office.
- b. In the case of properties located in Tier 2, the annual assessment shall be equal to one-quarter of one percent (1/4 %) of the most recent assessed value, as determined by the Canyon County Assessor's Office.
- c. The following properties shall be exempt from assessment:
 - i. Those residences qualifying for and receiving a "Homeowners Exemption" from Canyon County;
 - ii. Those properties, or portions of properties, qualifying for and receiving an exemption from Canyon County from payment of

property taxes due to its status as a "Nonprofit Organization," but only to the extent of the exemption granted;

- iii. Those properties, or portions of properties, qualifying for an exemption from payment of real property taxes due to the owner or occupant's status as a governmental or quasi-governmental entity.
- d. Should the assessment of any single parcel of property (calculated in accordance with the above) be in excess of \$5,000.00, the owner of said property shall only be required to pay a maximum of \$5,000.00.
- e. That the term "business property," as used in the signature pages attached hereto, shall refer to any real property located within the proposed district which is not exempted under subsection "c." above.
- f. That the assessment rate may be adjusted, up or down, as provided for in Idaho Code, Title 50, Chapter 26.
- g. That the duration of the proposed District shall be perpetual.
- h. That the assessments shall be paid annually, and shall be assessed on a calendar year basis.

SECTION 5. NOTICE OF HEARING TO CONSIDER ESTABLISHMENT OF B.I.D. All those who may desire to protest or support the formation of said B.I.D. are hereby invited and notified to attend a public hearing to be held on Monday, August 15, 2016, at 7:00 p.m., in the Community Room of the Caldwell Police Department, 110 South 5th Avenue, Caldwell, Idaho, at which time and place the City Council in open and public session shall consider all protests and receive all evidence for or against the proposed action.

SECTION 6. PUBLICATION AND MAILING. The City Clerk is hereby authorized and directed to publish this Resolution in at least one issue of the Idaho Press Tribune, said publication to be completed at least ten (10) days prior to the date of the above referenced hearing, and to mail copies of the Resolution at least ten (10) days prior to the date of the hearing to each business or owner of business property within the proposed District.

PASSED BY THE CITY COUNCIL, of the City of Caldwell, Idaho, this 18th day of July, 2016.

APPROVED BY THE MAYOR, of the City of Caldwell, Idaho, this 18th day of July, 2016.

ATTEST:

Garret L. Nancolas

Mayor Garret Nancolas

Sebbie Bayle

City Clerk (or Deputy)

