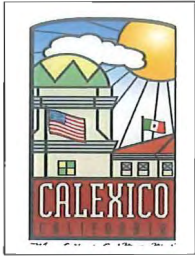


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AGENDA STAFF REPORT

DATE: December 1, 2021

TO: Mayor and City Council

PREPARED BY: Miguel Figueroa, City Manager
Best Best & Krieger LLP, City Attorney

APPROVED BY: Miguel Figueroa, City Manager *MF*

SUBJECT: Approval of Resolution Amending Resolution No. 2009-01B
Regarding the Calexico Business Improvement District Advisory
Board

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Recommendation:

It is recommended that the City Council adopt Resolution No. 2021 - ____ to clarify the requirements for the Calexico Business Improvement District ("BID") Advisory Board members.

Background:

The Calexico Business Improvement District ("BID") was formed in 2000. Pursuant to Streets and Highways Code section 36530, the City Council adopted Resolution No. 2009-01B in January 2009 appointing an advisory board to make recommendations to the City Council regarding the annual collection of a Business Improvement District assessment, expenditures of revenues from the assessment, and potential changes to the assessment.

The Board has the following duties:

- To study, investigate and determine the need for the BID on an annual basis;
- To advise the City Council regarding the expenditure of assessment funds on an annual and ongoing basis;
- To prepare and file the annual report as described in Streets & Highways Code section 36533. Such report shall be submitted to the City Council no later than April 30th of each year;

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- To study, investigate and determine the need for any changes to the BID on an annual basis to include in the annual report;
- To perform any other functions as directed by City Council from time to time.

Discussion

The proposed Resolution would clarify the requirements for the BID Advisory Board. Section 3 of the Resolution is revised to state that the BID Advisory Board will follow the rules and regulations for all City committees as set forth in Chapter 2.19 of the Calexico Municipal Code. This means that the Board will, among other things, meet every other month, elect a Chairperson and Vice Chairperson, and will follow standardized agenda and meeting procedures. Specific to the Board, however; each Board member must be an owner or representative of a business or other entity paying annual fees to the BID.

Fiscal Impact:

Adoption of the resolution is not expected to have a fiscal impact.

Attachments:

- 1) Resolution No. 2021-_____
- 2) Resolution No. 2009-01B (revised sections are highlighted)

RESOLUTION 2021-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING RESOLUTION NO. 2009-01B REGARDING THE CALEXICO BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

WHEREAS, the Calexico Business Improvement District (“BID”) was formed in 2000 pursuant to Ordinance 990 and Streets and Highways Code section 36500 *et. seq.*; and

WHEREAS, pursuant to Streets and Highways Code section 36530, the City Council adopted Resolution No. 2009-01B on January 7, 2009 to form an advisory board to make recommendations to the City Council regarding the annual collection of the assessment, expenditures of revenues from the assessment, and potential changes to the assessment; and

WHEREAS, the City Council wishes to align the BID advisory board procedures with Calexico Municipal Code Chapter 2.19 regarding all City commissions, boards, and committees and to clarify the requirement that the BID advisory board members must be owners or representatives of a business paying annual fees to the BID.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calexico, as follows:

SECTION 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. Section 3 of Resolution No. 2009-01B is hereby repealed and replaced with the following to read:

“The rules and regulations set forth in Calexico Municipal Code Chapter 2.19 shall apply to this Board, except as otherwise required by state law. If there is any conflict or inconsistency between the provisions of this Resolution and Chapter 2.19, the provisions of this Resolution will control. A Board member must be an owner or representative of a business or other entity paying annual fees to the Business Improvement District.”

SECTION 3. Section 6 of Resolution No. 2009-01B is hereby repealed.

SECTION 4. Section 7 Resolution No. 2009-01B is hereby repealed.

SECTION 5. Except as set forth herein, Resolution No. 2009-01B shall remain in full force and effect.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calexico, California, at a regular meeting held on this 1st day of December, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

Javier Moreno, Mayor

ATTEST:

Gabriela Garcia, City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney

State of California)
County of Imperial) s.s.
City of Calexico)

I, Gabriela T. Garcia, City Clerk of the City of Calexico do hereby certify the above Resolution No. 2021-_____ was approved at a regular City Council meeting held on the 1st day of December 2021, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Gabriela T. Garcia, City Clerk

RESOLUTION NO. 2009-01B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, TO FORM THE CALEXICO BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

WHEREAS, the Calexico Business Improvement District ("BID") was formed in 2000 pursuant to Ordinance 990 and Streets and Highways Code section 36500 *et. seq.*; and

WHEREAS, no money has been collected by the BID since the formation; and

WHEREAS, the City of Calexico wishes to start collecting the annual assessment pursuant to Ordinance 990 to fund projects and events that occur within the geographical limits of this BID; and

WHEREAS, some business owners within the BID have asked that the assessment be modified; and

WHEREAS, pursuant to Streets and Highways Code section 36530, the City Council shall appoint an advisory board to make recommendations to the City Council regarding the annual collection of the assessment, expenditures of revenues from the assessment, and potential changes to the assessment; and

WHEREAS, this advisory board will exist only as long as the BID is in place and will serve the single purpose of advising on this BID; and

WHEREAS, pursuant to Government Code section 54952(b), this board is subject to the Brown Act

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CALEXICO AS FOLLOWS:

SECTION 1. The Council determines that the Calexico Business Improvement District Advisory Board shall be formed for the assessment district created in 2000.

SECTION 2. The Board shall consist of five (5) total members.

SECTION 3. The appointment and removal of Board members shall be made pursuant to Calexico Municipal Code Chapter 2.19. All other terms of Chapter 2.19 shall also apply to the Board members. The Council may limit membership of the Board to persons who are actually subject to the BID assessment.

SECTION 4. The Board members shall serve without compensation.

SECTION 5. The Board shall exist for the duration of the BID. If the BID is dissolved for any reason, then this Board shall also be dissolved, unless Council directs otherwise.

SECTION 6. The officers of the Board shall consist of a chairperson and vice chairperson, to be elected by the Board by a majority vote, and such other officers as the Board may from time to time designate. The term of said officers shall be fixed by the Board.

SECTION 7. The Board shall make its own rules and regulations and fix the procedure for calling, holding and conducting meetings; providing, that such rules and regulations are not in conflict with the provisions of any laws of the state of California, City of Calexico, or laws or ordinances of any political subdivision thereof.

SECTION 8. The Board shall have the following duties:

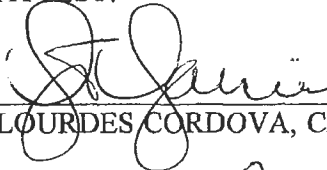
- a.) To study, investigate and determine the need for the BID on an annual basis;
- b.) To advise the City Council regarding the expenditure of assessment funds on an annual and ongoing basis; and
- c.) To prepare and file the annual report as described in Streets & Highways Code section 36533. Such report shall be submitted to the City Council no later than April 30th of each year; and
- d.) To study, investigate and determine the need for any changes to the BID on an annual basis to include in the annual report; and
- e.) To perform any other functions as directed by City Council from time to time.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Calexico at the regular meeting this 7th day of January, 2009.



LOUIS FUENTES, Mayor

ATTEST:



for LOURDES CORDOVA, City Clerk

APPROVED AS TO FORM:



JENNIFER M. LYON, City Attorney

STATE OF CALIFORNIA)
CITY OF CALEXICO) ss.
COUNTY OF IMPERIAL)

I, Lourdes Cordova, City Clerk of the City of Calexico, do hereby certify under the penalty of perjury, that the foregoing Resolution No. 2009-01B was duly adopted by the City Council at a meeting of said City Council held on the 7th day of January, 2009, and that it was so adopted by the following vote:

AYES: Fuentes, Ouzan, Moreno, Castro, Romero
NOES: None
ABSENT: None



for LOURDES CORDOVA, City Clerk

S E A L