

RESOLUTION NO. 2009-396

Adopted by the Sacramento City Council

June 16, 2009

APPROVAL OF AGREEMENT BETWEEN THE CITY AND MIDTOWN BUSINESS ASSOCIATION FOR MIDTOWN TO ADMINISTER IMPROVEMENTS AND ACTIVITIES OF THE SUTTER BUSINESS IMPROVEMENT AREA AND APPOINTMENT OF NEW ADVISORY BOARD

BACKGROUND

- A. The Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Section 36500 *et seq.* (the Law) authorizes establishment of Business Improvement Areas to provide activities and improvements that benefit businesses within the Area.
- B. At the request of business owners and operators and after public hearings, the City Council of the City of Sacramento (City) established the Sutter Business Improvement Area (SBIA) on March 25, 2008. Sacramento City Code Title 3, Chapter 3.106, codifies establishment of the SBIA. The SBIA levies an annual assessment on businesses that sell prepared food, such as restaurants, bars, nightclubs, and diners.
- C. The improvements and activities to be funded by the assessments are additional security and maintenance, marketing programs promoting SBIA as an attractive destination for dining, and projects, programs, and activities that benefit the assessed businesses.
- D. The Midtown Business Association is a California nonprofit mutual benefit corporation, with its principal office for business in the City of Sacramento. The Association's membership includes any person, business, or firm licensed to conduct business in Sacramento at an address within the boundaries of 15th Street on the West to Alhambra Boulevard on the East, B Street on the North to X Street on the South. Its membership includes SBIA assessed businesses, and it has experience with assessments because it administers under contract with the City the Midtown Property and Business Improvement District (a property assessment district known as the Midtown PBID).
- E. The City by Resolution number 2008-186 accepted an advisory board (Advisory Board). The Advisory Board is to make recommendations to the City on the expenditure of revenues derived from the assessments, among other things provided by the Law.
- F. The Advisory Board and the Midtown Business Association request that the City repeal Resolution number 2008-186, and accept as the SBIA advisory board the Midtown Business Association board, as it may be comprised from time to time under its bylaws and nonprofit corporation law.

- G. The Advisory Board and the Midtown Business Association also request that, consistent with Title 3, Chapter 3.106 of the Sacramento City Code, the City enter an agreement with the Midtown Business Association for administration of the SBIA's improvements and activities. Under Chapter 3.106, the City may provide for administration of the SBIA's activities by entering into an agreement with an entity, that in the opinion of the city council will have the capacity of representing the interests of the restaurant businesses in the SBIA, whose general objectives will be consistent with the purposes of the SBIA, and who will provide the resources to effectively achieve those objectives.
- H. Combining advisory and administrative functions in one entity is intended to enhance transparency of their proceedings, avoid unnecessary duplication of effort, and maintain the utility of application of business judgment and private-sector creativity to solve problems.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Midtown Business Association has the capacity to represent the interests of the SBIA businesses, its general objectives are consistent with the purposes of the SBIA, and it will provide the resources to effectively achieve those objectives.
- Section 2. The Agreement between the City and the Midtown Business Association for administration of the SBIA is approved. The City Manager or the Manager's designee is authorized to execute the Agreement.
- Section 3. Resolution number 2008-186 is hereby repealed and the Advisory Board thereunder is dissolved. The Midtown Business Association Board, as it is now comprised and as it may be comprised from time to time under its bylaws and nonprofit corporation law, is hereby accepted as the new advisory board.

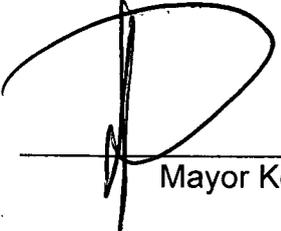
Adopted by the City of Sacramento City Council on June 16, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

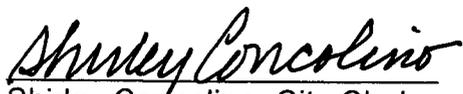
Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk