



CITY OF SACRAMENTO

DEPARTMENT OF LAW

812 TENTH ST. SACRAMENTO, CALIF. 95814
SUITE 201 TELEPHONE (916) 449-5346

June 20, 1980

JAMES P. JACKSON
CITY ATTORNEY
THEODORE H. KOBEY, JR.
ASSISTANT CITY ATTORNEY
LELIAND J. SAVAGE
DAVID BENJAMIN
SAM JACKSON
WILLIAM P. CARNAZZO
SABINA ANN GILBERT
STEPHEN B. NOCITA
DEPUTY CITY ATTORNEYS

City Council
Council Chambers
Sacramento, California 95814

RE: FORMATION OF OLD SACRAMENTO BUSINESS IMPROVEMENT AREA

Honorable Members in Session:

SUMMARY

Councilman John Roberts has asked that the attached Resolution of Intention be prepared for the formation of the Old Sacramento Business Improvement Area. The area encompasses the Old Sacramento Historical Area.

We are informed that a majority of the business owners in the Old Sacramento area favor the formation of this district. The Resolution sets a hearing on July 29, 1980 to consider whether to form the district.

BACKGROUND INFORMATION

State law authorizes the establishment of Business Improvement Areas to promote business activities. The Merchants Association in Old Sacramento has expressed an interest in forming this type of district and has asked Councilman Roberts to assist them in their efforts. The attached Resolution of Intention specifies the services to be provided and the charges to be imposed. This Resolution sets a hearing for July 29, 1980. After the hearing, if the Council decides to establish the district, it would adopt an ordinance containing much of the information set forth in the Resolution of Intention. The district would become operative on October 1, 1980. We are informed that the Merchants Association has held many meetings on this subject and there is general consensus in favor of the formation of the Business Improvement Area. Mr. Maynard Nelson, President of the Old Sacramento Citizens and Merchants Association will be present at the Council meeting to discuss this subject further.

RECOMMENDATION

FILED

By the City Council
Office of the City Clerk

Councilman John Roberts recommends that the attached Resolution of Intention be adopted.

Cont. to 1-80
JUN 24 1980

Respectfully submitted,
James P. Jackson
JAMES P. JACKSON
City Attorney

JPJ:KMF
Attachment
cc: City Manager

RESOLUTION NO.

Adopted by The Sacramento City Council on date of

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH A BUSINESS IMPROVEMENT AREA IN THE OLD SACRAMENTO AREA, TO PROVIDE FOR THE LEVYING OF CHARGES ON SPECIFIED BUSINESSES CONDUCTED WITHIN SUCH AREA, CLASSIFYING VARIOUS BUSINESSES FOR SUCH PURPOSES, DESCRIBING THE BOUNDARIES OF THE PROPOSED AREA, THE AUTHORIZED USES TO WHICH THE PROPOSED REVENUE SHALL BE PUT, THE RATE OF SUCH CHARGES, FIXING THE TIME AND PLACE OF A HEARING TO BE HELD BY THE CITY COUNCIL TO CONSIDER THE ESTABLISHMENT OF SUCH AN AREA, AND DIRECTING THE GIVING OF NOTICE OF SUCH HEARING

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Authority and Intention. The City Council of the City of Sacramento hereby declares its intention of establishing a business improvement area in the Old Sacramento area under the Parking and Business Improvement Act Law of 1979, being Part 6 of Division 18 of the Streets and Highways Code §§36500 through 36581 of said Streets and Highways Code of the State of California.

SECTION 2. Name. The name of the proposed business improvement area intended to be formed is to be the "Old Sacramento Business Improvement Area of the City of Sacramento," hereinafter referred to as "the Area."

SECTION 3. Authorized Uses. The proposed authorized uses to which the proposed revenue shall be put are as follows:

- (a) The general promotion of business activities in the Area.
- (b) Promotion of public events which are to take place on or in public places in the Area.
- (c) Decoration of any public place in the Area.
- (d) Furnishing of music in any public place in the Area.

SECTION 4. Area and Benefit Zones. A description of the Area is as follows:

Beginning at the intersection of the westerly city limits of the City of Sacramento and the center line of the "I" Street Bridge; thence easterly along the center line of the "I" Street Bridge and Viaduct to its intersection with the continuation of the easterly line of Third Street; thence southerly along said easterly line of Third Street to the point of intersection with the northerly line of Capitol Mall; thence westerly along said northerly line of Capitol Mall to the point of intersection with the westerly city limits of the City of Sacramento; thence northerly long said westerly city limits to the point of beginning.

SECTION 5. Levy of Charge in Addition to Business License Tax. It is proposed that a charge which is in addition to the ordinary business license tax as it is presently imposed upon businesses conducting their activities within the area by Chapter 23 of the Sacramento City Code, be imposed to carry out the aforesaid purposes. Such additional charge is to be imposed at the rates hereinafter set forth for the specified business classifications regardless of whether the business is taxed upon a flat rate or gross receipts or other basis under the provisions of Chapter 23 of the Sacramento City Code.

SECTION 6. Classification of Businesses and Charges Imposed. It is proposed that the businesses conducted in the Area be classified as follows so as to promote the equitable imposition of the additional tax provided hereunder in relation to the relative benefits to be derived. The proposed charge over and above the general business license tax imposed on each business within the Area shall be the percentage shown below in Column A, which is the percentage of the amount of general business license tax payable each year under Chapter 23 of the Sacramento City Code for that type of business.

<u>CLASSIFICATION</u>	<u>COLUMN "A"</u>	<u>INCLUDES</u>
Professional and General Offices	100%	Auction houses, pawnbrokers, secondhand dealers
	100%	Newspapers, periodicals, radio or television stations
	100%	Transportation of members of public
	300%	Vending machines
	100%	Wholesale sales and manufacturing
	300%	Rental of commercial, industrial and agricultural real property
	25%	Collection agencies
	100%	Contractors
	25%	Credit agencies, money lenders
	200%	Hotels, motels
	100%	Laundry, cleaning and dyeing, agent, collector, linen supply
	25%	Professions
	25%	Real Estate; insurance stock brokers
	200%	Rental of residential real property
	25%	Services, semi-professions, occupations
	100%	Solicitors, accepting payment in advance--master solicitor's license, Class I

<u>CLASSIFICATION</u>	<u>COLUMN "A"</u>	<u>INCLUDES</u>
Professional and General Offices (Continued)	100%	Solicitors, not accepting payment in advance-- master solicitor's license, Class II
	100%	Taxicabs and limousines
	100%	Theaters, legitimate or motion picture
	100%	Trucking; delivery by vehicle
Eating and Drinking Facilities	200%	Restaurants, caterers
	300%	Card rooms
	300%	Dances, public; dances, taxi
Retail Businesses	300%	Groceries, meat and fish markets, bakeries and delicatessen
	300%	Retail sales
	300%	Carnivals or fairs
	300%	Christmas trees
	300%	Auto swap meets
	300%	Itinerant vendors
	300%	Poolrooms or billard
	300%	Rummage or antique sale occasional
	100%	Dealer in antiques or collectible items

SECTION 7. Exemption; Voluntary Contribution. Any business, person or institution located in the Area, which is exempt from the payment of the ordinary business license tax of the City by reason of the provisions of the laws of the United States or the City or by reason of the provisions of the United States or California Constitutions, is not to be charged under this proceeding but may make a voluntary contribution to the City. Such contributions shall be used for the purposes provided in this Resolution.

SECTION 8. Modification or Disestablishment of the Area. The City Council, by ordinance, may modify the provisions of the ordinance hereby proposed, and may disestablish the Area, after adopting a resolution of intention to such effect. Such resolution shall describe the proposed change or changes, or indicate that it is proposed to disestablish the Area, and shall state the time and place of a hearing to be held by the City Council to consider the proposed action.

If a majority of the businesses in the Area file a petition with the City Clerk requesting the Council to adopt a resolution of intention to modify or disestablish the Area, the Council shall adopt such resolution and act upon it as hereinafter provided. Signature on such petition shall be those of a duly authorized representative of businesses in the Area; and the petition shall be filed with the City Clerk within six (6) weeks of the date on which the first signature was affixed.

The City Clerk shall cause such resolution to be published at least once in the official newspaper of the City of Sacramento, and shall also mail a complete copy thereof, postage prepaid, to each business in the Area, or, if it is proposed to enlarge the boundaries of the Area, to each business in the Area as it is proposed to be enlarged. Such publication and mailing shall be completed at least fifteen (15) days prior to the date of the said hearing.

In the event the resolution proposes to modify any of the provisions of the ordinance, including changes in the existing charges or in the existing boundaries of the Area, such proceedings shall terminate if protest is made by a majority of the businesses in the Area, or in the Area as it is proposed to be enlarged, provided that the City Council may modify the boundaries or charges as specified in Streets and Highways Code Section 26528.

In the event the resolution proposes disestablishment of the Area, the City Council shall disestablish the Area; unless, at such hearing, protest against disestablishment is made by a majority of the businesses in the Area.

At the hearing, the City Council shall hear all protests and receive evidence for and against the proposed action; shall rule upon all protests, their determination in this regard being final; and may continue the hearing from time to time.

SECTION 9. Administration. It is the intention of the City to provide for the administration of the Area's activities by seeking to enter into a contract with an entity that in the opinion of the City Council will have the capability of representing the interests of the businesses in the Area, whose general objectives will be consistent with the purposes of this Resolution, and who will provide the resources to effectively achieve those objectives. However, the City Council will reserve unto itself sole discretion as to how the revenue derived from the charges hereunder is to be used within the scope of the said authorized purposes.

SECTION 10. Payment of Charge--Effective Date. The collection of the charges proposed hereunder shall be made at the same time and in the same manner as the general business license tax under Chapter 23 of the City's Code. It is proposed that the Area be established and effective on October 1, 1980 and the charges herein be imposed on and after that date.

It is intended that a special fund be created, known as the "Old Sacramento Business Improvement Area Fund," and that the collections of the said charges shall be redeposited in such fund.

SECTION 11. Applicability of Relevant General Business License Provisions. The provisions of Chapter 23 of the Code of the City, insofar as they are relevant to the provisions hereunder, shall be made applicable to all businesses subject to the said charges. No business

license shall be issued pursuant to the said Chapter 23 of the City Code unless the charges pursuant hereto are paid together with the applicable general business license tax.

SECTION 12. Time and Place of Hearing, Notice. Notice is hereby given that the 29th day of July, 1980, at a regular meeting of the City Council to commence at or about _____ M., in the Council Chambers of the City Hall at 915 I Street, Sacramento, California, is the time and place fixed for the hearing on this Resolution of Intention for the proposed formation and establishment of the said "Old Sacramento Business Improvement Area of the City of Sacramento."

Any person interested in, or desiring to protest the formation and establishment of said Area, and/or the extent thereof, the boundaries thereof, the proposed amount of the charges, the classification of businesses, the drawing of benefit zones, or to any other proposal or matter set forth in this Resolution of Intention, may appear before the Council at said time and place and be heard.

SECTION 13. Publication and Mailing of Notice. The City Clerk shall cause this Resolution of Intention to be published at least once in the official newspaper of the City of Sacramento, the first publication to be at least ten (10) days prior to the date of said hearing.

The City Clerk shall also mail a copy of this Resolution, postage prepaid, to each business in the proposed Area as described herein, which mailing shall be completed at least ten (10) days prior to the date of said hearing, all in accordance with §36522 of the California Streets and Highways Code.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

Maynard Nelson - 10:33 A.M. informed him of
Continuance on item 43.
Stated he would call
Mr. Sipe.