

ORDINANCE NO. 29-03

AN ORDINANCE establishing an Uptown Business Improvement District; providing for the levy of special assessments upon businesses within the area; the deposit of revenues in a special account and expenditures there from; and providing for an operating agreement with the Uptown Business Improvement District.

WHEREAS, the owners and/or operators of businesses subject to sixty percent (60%) or more of the special assessments levied by this Ordinance filed a petition with the City of Richland on May 23, 2003, to establish an Uptown Business Improvement District pursuant to RCW Chapter 35.87A. The petition and supporting documents are on file with the Richland City Clerk;

WHEREAS, upon receiving the petition, the Richland City Council on June 3, 2003, adopted resolution number 29-03 entitled "A Resolution declaring the intention to establish an Uptown Business Improvement District restating information contained in the initiation petition and fixing a time and place for a public hearing";

WHEREAS, on June 3, 2003, the City Council determined that the first reading of the Ordinance forming the Uptown Business Improvement District would occur on June 17, 2003, and final reading on or about July 1, 2003;

WHEREAS, on June 17, 2003, at 7:30 p.m. or soon thereafter as practical, in the Richland City Council Chambers, the Richland City Council held a hearing concerning the formation of the Uptown Business Improvement District; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1.01. District Established. The City of Richland, pursuant to RCW Chapter 35.87A, hereby establishes an Uptown Business Improvement District (UBID) within the boundaries described below and as shown on the map attached as Appendix A. The UBID is bounded by George Washington Way on the east, Williams Avenue on the south, Jadwin Avenue on the west and Symons Street on the north and is the area commonly known as the Uptown Shopping Center, Block number 708, Parcel Numbers 102983020708001 through 102983020708028, and 102983020708031, specifically excluding parcel numbers 102983020708029, 102983020708030, and 1029830207080032.

Businesses (as described in RCW 35.87A.020), and further defined in the petition to form the UBID, multi-family residential, mixed-use projects (as described in RCW 35.87A.020(3)), all located within the UBID shall be subject to special assessments as authorized by RCW 35.87A.010. The City Council finds that the benefit to businesses subject to the special assessment is a special benefit which would not otherwise accrue but, for the activities, programs and services carried out with the funds provided by the special assessments authorized pursuant to this Ordinance.

Section 1.02. Programs. The revenues from the special assessments authorized in Section 1.03 shall be used for the following purposes consistent with the Petition to establish the UBID on file with the City Clerk, City Council Resolution 29-03 and RCW 35.87A.010. The special assessments shall be used as follows:

The special assessments shall be used for the purposes of management, planning and operating programs pursuant to those purposes outlined in RCW Chapter 35.87A.010. The activities proposed for the first year of operation include, but are not limited to:

1. Beautification of common areas:
 - a. Cleaning of sidewalks and common areas.
 - b. Contract for the removal of trash.
 - c. Provide coordinated holiday décor: lights, etc.
 - d. Increased routine maintenance.
 - e. Replacement of fruiting trees.
2. Security:
 - a. Consistent lighting.
 - b. Increased staff on early school release and high traffic days.
 - c. Improved networking between businesses.
 - d. Continued networking with the Richland Police Department.
3. Marketing:
 - a. Increase marketing of the Uptown as a central shopping area in Richland through a "Shop Richland" style campaign which may include but is not limited to:
 - i. Improved signage.
 - ii. Collective advertising in print and other media.
 - iii. Web-sites and links to local businesses.
 - iv. Non-traditional marketing venues.
 - v. Continued networking with local art and entertainment groups.
4. Administration:
 - a. The City of Richland will utilize seven percent (7%) of the district's total annual assessments to cover the City's cost of administering the district budget, assessments, delinquencies, and other associated tasks.

The above common area maintenance and security programs are supplemental to existing street maintenance, refuse and police services and are not intended to displace any services regularly provided by the City. Special assessment revenues may also be used for additional purposes consistent with RCW 35.87A.010 as determined by the City Council and the UBID.

Section 1.03. Levy of Special Assessments. To finance the programs set forth in Section 1.02, above, there is levied and shall be collected, assessments upon the businesses (as described in RCW 35.87A.020) multi-family residential, mixed-use project (as described in RCW 35.87A.020(3)), as set forth on the following special assessment formula for the UBID.

1. Ground floor business: \$15.00 per month per business.
2. Second story business: \$10.00 per month per business.

Payments are due on the first day of the quarter and will be past due on the 25th day of the quarter. Businesses have the option of paying annually. In that case, payments are due on the fifth day of the year and will be past due on the 25th day of the year. The election to pay annually or quarterly will be a one-time option. Quarterly assessments will be the default method unless a business specifically requests annual statements. A statement, including a \$10.00 re-billing fee, will be mailed for past due assessments.

A business which is more than 60 days delinquent on any UBID Assessment does not retain membership "in good standing" and is not eligible to vote. Upon review of the board, a business not "in good standing" may be denied access to UBID services. Furthermore, the City's Finance Manager is

authorized to refer any unpaid assessments and re-billing fees to a collection agency for collection. All collection costs, including attorney fees, are the responsibility of the business that failed to pay their assessment on time. The assessment formula used in establishing the UBID shall be subject to review at the Annual Meeting of the UBID. Changes to the assessment formula shall be made only consistent with Section 1.15 of this Ordinance.

Section 1.04. Exemptions. Special Assessments. No special assessments shall be levied upon and collected from:

1. Concessionaires at public events, vendor or entertainers who engage in business in the area less than 30 days per year.
2. Single-family housing units.
3. Businesses in existence less than one year.
4. A business that petitions the UBID executive board and City Council which provides evidence that payment places an unreasonable hardship on a particular business.

Section 1.05. Uptown Business Improvement District Fund—Created.

There is hereby created a fund, known and designated as the Uptown Business Improvement District Fund (UBID), into which shall be paid all UBID revenues from special assessments levied under the authority of RCW 35.87A, gifts and donations for the UBID fund, monies for expenditures made and reimbursements due to the UBID fund, and interest and all other income from the investment of deposits according to established City procedures and policies.

Section 1.06. Uptown Business Improvement District Fund—Distributions.

On the first regular business day of each month, the finance manager is authorized, empowered and directed to distribute from the UBID Fund to the

UBID the total amount of special assessments collected under RCW 35.87A.130 during the preceding month.

Section 1.07. Uptown Business Improvement District Fund-Administration.

The finance manager shall keep a full and careful record of receipts and distributions with respect to the Uptown Business Improvement District Fund.

Section 1.08. Administration. The City Manager or designee shall administer the UBID for the City with authority to:

1. Direct the collection of special assessments; refund special assessments when overpaid or paid for the same area by more than one ratepayer; and extend the deadline for payment and/or waive delinquency charges and interest whenever the delinquency is a result of a failure by the City to provide a statement of the amount due or non-payment results from extenuating circumstances beyond the ratepayer's control, such as a casualty loss causing premature closure of the business or bankruptcy;
2. Execute a contract for an annual program management contract with the UBID or its successor consistent with Section 1.14 of this Ordinance.

The City's contract with the UBID or its successor shall provide for creation of a Board of Directors holding of quarterly meetings and an annual meeting for UBID ratepayers consistent with Sections 1.09 and 1.10 of this Ordinance.

Section 1.09. Board of Directors. The UBID or its successor in performing a contract to administer the UBID programs, shall establish a Board of Directors to: (1) establish and maintain a data base which includes a list and classification of all ratepayers; (2) provide guidance in establishing and carrying out projects and activities financed through special assessments; and (3) determine ratepayer disputes which include adjustment of assessment rate, methods, classification, special benefits and all matters reasonably related thereto. The Board of Directors shall make recommendations for the UBID budget, expenditures, programs, and assessments to the UBID. The Board of Directors shall, at a minimum, meet quarterly. The last quarterly meeting of the fiscal or calendar year shall be considered an annual meeting. A written annual report shall be distributed prior to or at the meeting. The annual report shall provide ratepayers information regarding annual revenues and expenditures and include contact information for the active Board of Directors membership. The annual report shall be provided to the Richland City Council following review by the UBID membership.

Section 1.10. Board of Directors Membership. The Board of Directors shall have a membership of seven persons operating a business in the UBID. The Board of Directors will be elected by business owners within the UBID for a term of two years from the date of election. The UBID shall, at an annual meeting, receive nominations for election to the Board of Directors. Board of Director members shall be elected by the ratepayers at the annual meeting. The

Board of Directors shall report to the UBID ratepayers for the purpose of performing its functions.

Section 1.11. Interim Board of Directors. The City Council shall appoint an interim Board of Directors comprised of seven ratepayers from the UBID. Within approximately one hundred twenty (120) days from approval of this Ordinance, the Interim Board of Directors will be replaced by a permanent Board of Directors pursuant to Section 1.10, above. The Interim Board of Directors shall develop and promulgate bylaws or rules to guide the operation of the Board of Directors which shall be approved by the City Council.

Section 1.12. Annual Budget. After consultation with the Board of Directors, the UBID shall submit to the City Council on or before February 1st of each year: 1) a statement of the proposed projects and activities to be conducted during the ensuing fiscal or calendar year; (2) the proposed UBID budget; and (3) a statement including a list of ratepayers, the assessment rates and business classifications requested for financing the proposed budget. The City Council, upon receipt of the statement from the UBID may approve, reject and correct the proposed activities, budget and assessments and thereafter, by ordinance or resolution, approve the activities, budget and assessments as provided or as modified. The use of revenue contained in this Ordinance, and as contained in the petition to form the district, are approved by the City Council and will remain in effect until the annual budget is approved consistent with this section.

Section 1.13. Commencement of Assessments. The first quarterly special assessment authorized herein shall be due October 5, 2003.

Section 1.14. Contract for Program Management. The City Manager, or designee, is authorized and directed to contract with the UBID to administer all the UBID projects and activities for the first year. Thereafter, the City Manager shall continue each year to contract with the UBID to administer the forthcoming annual program, unless a suitable successor organization is recommended by: a) a majority of the votes of the ratepayers at their annual meeting, or; b) a valid petition signed by the majority of ratepayers. The annual contract will be put in place only after the Richland City Council adopts the annual budget proposed by the UBID consistent with Section 1.12 of this Ordinance.

Section 1.15. Rate Changes. Any change in the assessment rate shall only be made by ordinance and as authorized in RCW 35.87A.140. No change shall occur in the assessment rate unless recommended by UBID Board of Directors consistent with UBID operating and voting procedures and requires a vote of 60% of the majority present or holding a valid proxy at the annual meeting and subsequent approval by the Richland City Council.

Section 1.16. Notices. Notices of assessment, installment payment, or delinquency, and all other notices contemplated by this Ordinance may be sent by ordinary mail or delivered by the City to the address shown on the records of the City Treasurer and, if no address is shown there, to the address shown on the records of the City maintained for business or utility tax purposes. Failure of the ratepayer to receive any mailed notice shall not release the ratepayer from the duty to pay the assessment.

Section 1.17. Disestablishment of Area. The duration of the Uptown Business Improvement District existence shall be perpetual or until such time as 60% of the UBID membership votes to disband and the City of Richland follows the procedural requirements of RCW 35.87A.180. The City reserves the opportunity to disestablish the UBID by ordinance after adoption of a resolution of intent to disestablish the district and the holding of a public hearing, without the 60% affirmative vote of UBID members, consistent with RCW 35.87A180.

Section 1.18. Disputes. Any ratepayer, aggrieved by the amount of an assessment or delinquency charge, shall request, within twenty (20) days from the date of the assessment or charge, a meeting and/or hearing before the UBID Board of Directors and, if not satisfied with the decision of the Board of Directors, appeal, within ten (10) days from the date of the decision, the matter to the Richland City Council.

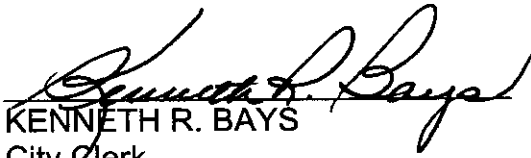
Section 1.19. Severability. If any section, subdivision, part or word of this Ordinance or any regulation, rule or order adopted pursuant to the authority thereof be determined invalid, it shall not affect the remainder of this Ordinance, but be confined to the section, subdivision, part or word directly involved in the controversy with the section, subdivision, part or word severed or stricken.

Section 1.20. Effective Date. This Ordinance shall take effect and be in full force thirty (30) days after the date it is passed by the City Council and after its publication in the official newspaper of the City of Richland.


PASSED by the City Council of the City of Richland at a regular meeting
this 1st day of July, 2003.


ROBERT J. THOMPSON
Mayor

ATTEST:

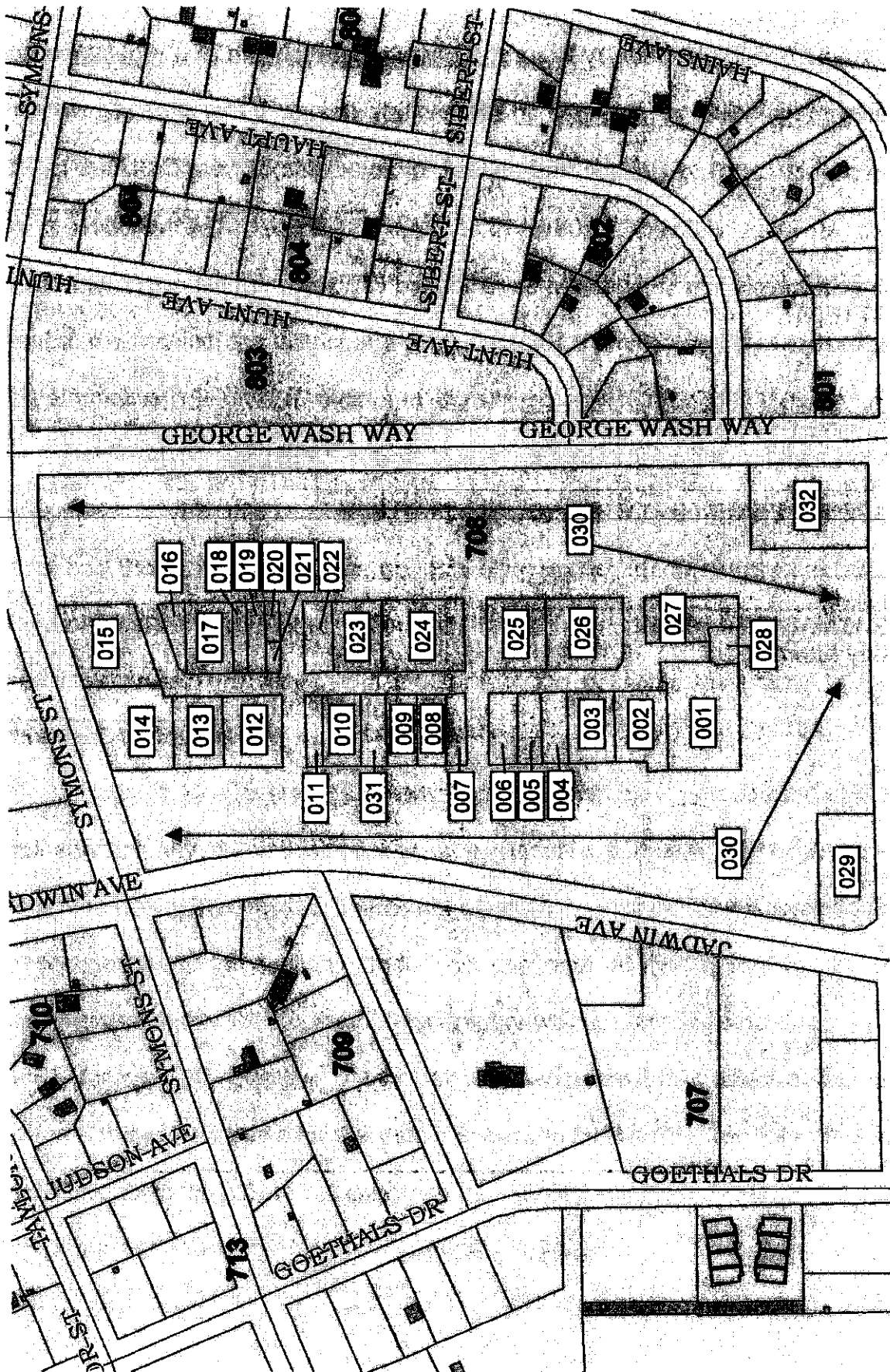

KENNETH R. BAYS
City Clerk

APPROVED AS TO FORM:


THOMAS O. LAMPSON
City Attorney

Date Published: July 6, 2003

Uptown Shopping Center Parcel Numbers



Base parcel number: 02983020708XXX
Block 708, Plat of Richland