

ECONOMIC DEVELOPMENT COMMITTEE REPORT and ORDINANCE OF INTENTION FIRST CONSIDERATION relative to the reconfirmation of the Wilmington Commercial Merchant-Based Business Improvement District (BID).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that the:

- a. Assessments imposed by the Wilmington Commercial BID for the 2021 Fiscal Year provide services that directly benefit each of the businesses which pay the assessments.
- b. Services funded by the assessment are provided only to each of the assessed businesses within the boundaries of the BID.
- c. Assessment imposed does not exceed the reasonable cost of conferring the benefits.
- d. Proposed improvements and activities are completely separate from the day-to-day operations of the City.
- e. Assessments for the proposed business-based BID are not taxes and that the BID qualifies for exemption from Proposition 26 under Exemption 1 of Article XIII C, Section 1(e)(1).
- f. Services to be provided by the Owners' Association, Wilmington Chamber of Commerce, are in the nature of professional, expert, technical or other special services, that the services are of a temporary and occasional character, and that the use of competitive bidding would be impractical, not advantageous, undesirable or where the common law otherwise excuses compliance with competitive bidding requirements.

2. PRESENT and ADOPT the accompanying Ordinance of Intention, dated September 18, 2020, to confirm the Annual Report for the Wilmington Commercial BID and to levy an annual assessment for the BID's 21st operating year, January 1, 2021 to December 31, 2021.

3. INSTRUCT the City Clerk to schedule, prepare, publish, and mail the public hearing notice, as required by the provisions of Section 36500 et seq. of the California Streets and Highways Code.

4. INSTRUCT the City Clerk, subject to approval by the City Attorney as to form and legality, to prepare and present an enabling Ordinance levying the special assessment for the Wilmington Commercial BID's 21st operating period, January 1, 2021 to December 31, 2021.

5. APPROVE the Wilmington Chamber of Commerce, a California non-profit mutual benefit

corporation, to administer the proposed services of the Wilmington Commercial BID pursuant to Section 36500 et seq. of the California Streets and Highways Code and City regulations.

6. AUTHORIZE the City Clerk, subject to City Attorney approval, to prepare, execute, and administer a contract between the City and the Wilmington Chamber of Commerce to administer the Wilmington Commercial BID, if the Ordinance reconfirming the BID is adopted.
7. APPOINT the Advisory Board as listed in the City Clerk report dated October 1, 2020, attached to the Council file.

Fiscal Impact Statement: The City Clerk reports that there is no impact on the General Fund. This is a merchant-based Business Improvement District and there are no assessments for City-owned properties within the Business Improvement District.

Community Impact Statement: None submitted.

SUMMARY

At the meeting held on October 13, 2020, your Economic Development Committee considered a City Clerk report and Ordinance relative to the Wilmington Commercial BID. After an opportunity for public comment was held, the Committee moved to approve the Clerk's recommendations and Ordinance of Intention, as detailed above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

ECONOMIC DEVELOPMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
PRICE:	YES
BUSCAINO:	YES
RODRIGUEZ:	YES

ME 10/13/20

-NOT OFFICIAL UNTIL COUNCIL ACTS-