

PUBLIC NOTICE

MIRACLE MILE IMPROVEMENT DISTRICT

BOARD OF DIRECTORS SPECIAL MEETING

DATE: Tuesday, October 26, 2021

TIME: 4:15pm

PLACE: ZOOM Video Conference: <https://zoom.us/j/92053431854>
or via telephone 1-669-900-9128, Meeting ID: 920 5343 1854, Password: 522606

TO: **Miracle Mile Improvement District Board Members:** Kim Byrd, Lisa Whirlow, Yonie Young, Tina Wells Lee, Jeff Dundas, Jeff Gamboni, Manuel Guizar, Kevin Hernandez, Mike Klocke, Nadja King, Nicole Snyder, Tanya Watters

GENERAL MEETING REQUIREMENTS:

Brown Act: All Miracle Mile Improvement District Board meetings are held pursuant to the Brown Act as codified in Government Code Section 54957.5. Virtual online meetings are permitted via the Governor's [Executive Order N-29-20](#).

Public Comments: The law provides the opportunity for the public to be heard on any item within the subject matter jurisdiction of the Board, before or during the discussion of that item by the Board. For all items, including items not on the agenda, the public comment time is at the start of each meeting and is limited to five minutes per person unless additional time is granted by the meeting chairperson. State law does not allow action to be taken on an issue not listed on the Agenda.

AGENDA

1. Call to Order Open Session – *Kim Byrd, Board President*
2. Public Comments
3. PBID Renewal – Community Benefit District Contract **(ACTION)**
4. Board Member Requests/Announcements
5. Adjournment

Next MMID Board of Directors General Meeting Scheduled Tuesday, November 9th, 2021

*If any accommodations are needed, please contact info@stocktonmiraclemile.com.
Requests should be made as soon as possible, but at least 24 hours prior to the scheduled meeting.*



**California Charter City Enabling Ordinances that Provides Alternative
to the PBID Law at the Local Level - New City America**

<i>City</i>	<i>Year Adopted</i>	<i>Petition Threshold to trigger balloting</i>	<i>Maximum Term</i>	<i>Name of Ordinance</i>
San Diego	1998, amended in 2003, 2016	30%	No term	Maintenance Assessment District
Oakland	1999	30%	10 years	Business Improvement Maintenance District
Berkeley	2001	30%	10 years	BID
San Francisco	2004	30%	15 years	Community Benefit Districts (PBID are not allowed in SF)
Richmond	2004	30%	20 years	Neighborhood Improvement and Commercial Enhancement
Alameda	2005	30%	20 years	Community Benefit District
Santa Ana	2007	30%	10 years	BID
Santa Monica	2008	40%	20 years	BID
San Jose	2007	30%	15 years	Community Benefit Improvement District
Glendale	2012	30%	20 years	Community Benefit District
San Leandro	2012	30%	15 years	Community Benefit District
Arcadia	2012	30%	15 years	Community Benefit District
Vallejo	2013	30%	20	Community Benefit District
Redwood City	2014	30%	20	Community Benefit Improvement District
Salinas	2014	30%	20	Community Benefit District
Modesto	2015	30%	20	Community Benefit District
Downey	2015	30%	20	Community Benefit District
Whittier	2016	30%	No term	Community Benefit District
Santa Rosa	2018	30%	No term	Community Benefit District
Santa Barbara	2020	30%	5 year review and then a 20 year continuation	Community Benefit District



Corporate Office ■ 2011 W. California Street ■ San Diego, CA 92110 ■ 619-233-5009 ■ Fax 619-239-7105
 Midwest Office ■ 300 N. State Street, Ste 4710 ■ Chicago, Ill. ■ 60654 ■ 888-356-2726
 New England Office: 42 Pearl Street ■ New Bedford, MA ■ 02740
 mail@newcityamerica.com ■ www.newcityamerica.com ■ Facebook: New City America, Inc.



COMPARISON BETWEEN THE BUSINESS IMPROVEMENT DISTRICT ACT (1989 STREETS AND HIGHWAY CODE), THE PROPERTY BUSINESS IMPROVEMENT DISTRICT ACT (1994 STREETS AND HIGHWAY CODE) AND THE CHARTER CITY ENABLING ORDINANCES ADOPTED THROUGHOUT THE STATE SINCE 1999

Prepared by Marco Li Mandri, New City America, Inc. – 2021

<i>Issue or Feature</i>	<i>Features of Merchant or Business license based Business Improvement District (Streets and Highway Code Section 36500)</i>	<i>Features of Property Business Improvement District (Streets and Highway Code, Section 36600)</i>	<i>Features of a the local enabling ordinances, aka Community Benefit Districts</i>
Basis of Funding special benefits or services	Additional fee, (not assessment) on local business license or business tax	Property assessments for benefiting parcels	Property assessments for benefiting parcels
Services that can be funded	Parking, marketing and promotions, landscaping, cleaning, security, maintenance, administration, beautification, etc.	Services that confer a “special benefit on real property” including, but not limited to parking, marketing and promotions, landscaping, cleaning, security, economic development, visitor related services, maintenance, administration, beautification, public space development and maintenance etc. Difficult to do long range projects due to limited term.	Services that confer a “special benefit on real property” including, but not limited to parking, marketing and promotions, landscaping, cleaning, security, economic development, visitor related services, maintenance, administration, beautification, public space development and management, etc.
Legislative intent	To support Downtown and small business district retail districts, predominantly retail and commercial land uses	To support commercial land uses, retail, industrial, commercial, office, high concentration of property ownership (not mixed use or residentially oriented)	To respond to 21 st Century Downtowns, mixed use communities, residential in urban areas, in fill areas transit related, public spaces,



Corporate Office ■ 2011 W. California Street ■ San Diego, CA 92110 ■ 619-233-5009 ■ Fax 619-239-7105

Midwest Office ■ 300 N. State Street, Ste 4710 ■ Chicago, Ill. ■ 60654 ■ 888-356-2726

New England Office: 42 Pearl Street ■ New Bedford, MA ■ 02740

mail@newcityamerica.com ■ www.newcityamerica.com ■ Facebook: New City America, Inc.

			including tax exempt properties
Issue or Feature	Features of Merchant or Business license based Business Improvement District	Features of Property Business Improvement District	Features of a the local enabling ordinances, aka Community Benefit Districts
Exemptions, if any	Only occupied spaces in possession of a valid local business license or tax certificate pay into the district. Vacant location do not pay.	No benefiting parcel* can be exempted unless it can show "clear and convincing evidence that it will derive no benefit". All governmental, tax-exempt are compelled to pay into the district based upon the special benefits they will receive.	No benefiting parcel can be exempted unless it can show "clear and convincing evidence that it will derive no benefit". All governmental, tax-exempt and non-profits are compelled to pay into the district based upon the special benefits they will receive.
Benefit Zones	BIDs can be created with benefit zones based upon core and peripheral areas and resulting benefits	PBIDs can be created with benefit zones based upon core and peripheral areas and resulting proportional benefits	CBDs can be created with benefit zones based upon core and peripheral areas and resulting proportional benefits
Rational Nexus - Proportional benefit required?	No rational nexus, normally fees/assessments are somewhat inconsistent	There must be a proportional relationship between the assessments paid and the special benefits received by each parcel. Must be certified by an Assessment Engineer	There must be a proportional relationship between the assessments paid and the special benefits received by each parcel. Must be certified by an Assessment Engineer
Quantification of special vs. general benefits required	No	Yes, based upon recent court cases, the general benefits resulting from the establishment of the property assessment district must be quantified	Yes, based upon recent court cases, the general benefits resulting from the establishment of the property assessment district must be quantified
Maximum term allowable	Annual levy of BID fees, no set legislatively mandated term, some have existed since 1970. Must be approved by Council action annually	First term, five years, second term, 10 year maximum.	Based upon local enabling legislation, normally minimum of 20 years, some in perpetuity
Advocacy allowable	Yes	Yes	Yes
City oversight required in the management of the district	Yes, under contract with the City	Yes, under contract with the City	Yes, under contract with the City
Subject to the open records and open meetings requirements of the Brown Act	Yes	Yes	Yes

<i>Issue or Feature</i>	<i>Features of Merchant or Business license based Business Improvement District</i>	<i>Features of Property Business Improvement District</i>	<i>Features of a the local enabling ordinances, aka Community Benefit Districts</i>
Formation Process required by legislation	District can be started on the “initiative of the local legislative body”. Requires majority protest provision <i>not</i> to establish district	Stringent formation procedure required under legislation including creation of Management District, certification of plan by Assessment Engineer, weighted petition, and assessment ballot proceeding	More realistic and “real world” formation procedure normally required under legislation including creation of Management District, certification of plan by Assessment Engineer, weighted petition, and assessment ballot proceeding
Petition required to trigger public hearing?	No	Yes, a minimum of 50% of those paying into the district (by weight) must sign a petition endorsing the Management District Plan	In nearly all cities adopting CBD ordinances, City Councils have used a minimum figure of 30% of those paying into the district (by weight) to a sign a petition endorsing the Management District Plan
Management District Plan required	No	Yes	Yes
Plan must be certified by an Assessment Engineer	No	Yes	Yes
Mail balloting required	No	Yes	Yes
Subject to State Constitution, Prop 218?	No	Yes, considered a property assessment under Prop 218	Yes, considered a property assessment under Prop 218
Subject to State Constitution Prop 26	Yes, probably (not tested yet in court)	No	No
Public Hearing required	Yes, district can only not be formed by a demonstrated majority protest	Yes, majority <i>weighted</i> returned mail ballots, as well as those turned in by the end of the public hearing must demonstrate support for establishment of the district	Yes, majority <i>weighted</i> returned mail ballots, as well as those turned in by the end of the public hearing must demonstrate support for establishment of the district
City Council action needed	Yes	Yes, informing the County to levy the assessments on the benefiting parcels	Yes, informing the County to levy the assessments on the benefiting parcels
Management	Provides for self-management as per legislation	Provides for self-management as per legislation	Provides for self-management as per legislation