

ORDINANCE NO. 06-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING ORDINANCE NO. 05-07, WHICH RE-ESTABLISHED THE EI CENTRO DOWNTOWN BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989, TO CHANGE THE METHOD FOR THE COLLECTION OF THE ANNUAL CHARGE

WHEREAS, under and pursuant to the provisions of the Parking and Business Improvement Area Law of 1989, codified as California Streets and Highways Code Section 36500, et. Seq. this City Council on June 1, 2005, adopted Ordinance No. 05-07, re-establishing a parking and business improvement area to be known as the “El Centro Downtown Business Improvement District” providing for the levy of an assessment and charge to be imposed herein; and

WHEREAS, there is a need to amend Section 3 of Ordinance No. 05-07 to change the method for the collection of the annual charge to businesses located within the business improvement area.

NOW, THEREFORE, BE IT ORDAINED by the Council of The City of El Centro, as follows:

Section 1. Section 3 or Ordinance No. 05-07 is hereby amended to read:

“Section 3. All business operating in the above described area will be assessed a share of the aforementioned services and programs according to the type of business and the benefits to be received.

Summary of Assessments

The assessments to be imposed for those District businesses by category are as follows:

The District fees are proposed to be assessed based one criteria: the category or the type of business. The type of business is based upon retail sales classifications. For purposes of the proposed District assessment levy, businesses into five businesses were classified categories as follows:

Category 1 - Financial Institutions

Banks, Credit Unions, Finance companies, Title companies, Utility companies.

Category 2 – Retail, including Media and Lodging

All retail outlets with a Main Street window including but not limited to those expected to derive the greatest benefit from the establishment of a District. These retail outlets generally include such businesses as restaurants, coffee shops, delis, bars, bakeries, specialty stores, ice cream and yogurt, photo finishing and production, flower and floral, musical instruments, retail recorded music, bookstores, hair and beauty salons, pet stores, bike shops, liquor stores, micro brewery supply, art supply, office supply and equipment, new and used clothing and apparel, electronics, pharmacies, media, home and garden

furnishings and supplies, appliances, automotive sales and repair, service stations, religious supplies, motels and hotels.

Category 3 - Professional and Technical Services

Defined businesses in category 2 that do not have a Main Street window as well as professional services that expect to derive lesser benefit from the District. These businesses include but are not limited to hospitals and medical services, lawyers, architects, insurance, pharmacies, accountants, CPAs, consultants, real estate agents or brokers, or property managers, graphic artists, shoe repair, key/locksmith, interior design, travel agencies, print and copy stores, corporate headquarters, stock brokers, construction companies, musical rental and repair, lawn and garden service, and equipment repair, martial arts training, burial chapels and dance instruction.

Category 4 - Non-Profit

Non-profit organizations, churches, benevolent clubs.

Category 5 - Independent Contractors

Independent contractors with no employees, operating a business that pays in a high category. These are cosmetologist, masseuse, tailors or seamstresses.

The proposed fee structure is as follows:

Category 1	\$600.00
Category 2	280.00
Category 3	150.00
Category 4	90.00
Category 5	80.00

The above-described assessment is an annual charge and shall be levied on an annual basis. Each affected business shall receive their annual assessment from the City no later than July 5 of each year the District is re-established. The assessment shall be due and payable within 90 days after assessment is levied by the City of El Centro. The assessment shall be enforced by a collection agency 30 days after final notice is mailed to assessed business via certified mail/return receipt. Any collection penalties shall be paid by debtor. For those new businesses taxed for other than July 1 the Finance Department shall prorate the assessment for the remaining months of the fiscal year ending June 30., For businesses operating within the District, issuance of city business license shall be contingent upon payment of the District Assessment.

The total assessment collected from any business under the provisions of the ordinance establishing the proposed District shall not exceed six hundred dollars (\$600.00) per annum.”

Section 2. This ordinance shall take effect thirty (30) days from and after its adoption. Within fifteen (15 days) after adoption, it shall be published once in a newspaper published and circulated within the City of El Centro, California. No business tax certificate for commercial activities inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

INTRODUCED at an adjourned regular meeting of the City Council of the City of El Centro, California, held on the 22nd day of May, 2006.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 7th day of June, 2006.

CITY OF EL CENTRO

By: _____
Sedalia Sanders, Mayor

ATTEST:

By: _____
Rita M. Noden, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

By: _____
Luis F. Hernandez, Associate City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) §
CITY OF EL CENTRO)

I, Rita M. Noden, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Ordinance No. 06- 04 had its first reading on the 22nd day of May, 2006 and had its second reading on the 7th day of June, 2006 and was passed by the following vote:

AYES: Viegas-Walker, Sanders, Moore, Solomon
NOES: None
ABSENT: None
ABSTAINED: Edney

AYES:
NOES:
ABSENT:
ABSTAINED:

By _____
Rita M. Noden, City Clerk