City of Green Bay, Wisconsin
Business Improvement Districts

BID Handbook

Department of Economic Development
City of Green Bay Plan Commission
2013

Table of Contents

ITEM	Page
History of BIDs in Wisconsin	3
The BID Law	3
BID Activities & Benefits of a BID	4
Initiating the BID Process	4
Steps to Form a BID	5
Processing Schedule for Proposed BID	7
Yearly BID Activity Schedule	8
Termination of a New BID and Plan	9
Termination of an Existing BID Plan	9
Administering the BID / BID Board	10
Appointments/Resignations	10
Meetings	10
Record Keeping	11
Staffing	11
BID Appointment Template	12
Resume Template	13
BID Operations	14
BID Revenues	14
Updating the BID Operating Plan	14
Certified Audits and Annual Status Reports	14
Initial Assessments	15
Final Assessments	15
Summary	15

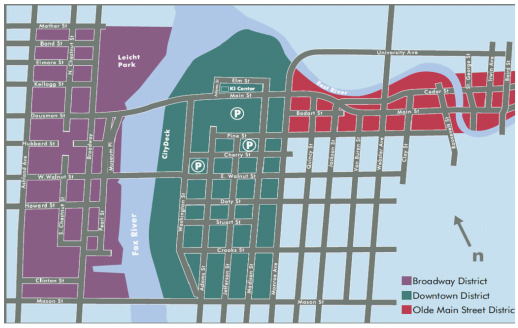
APPENDICES

1. Wisconsin BID Statute
2. BID Operating Plan Template
3. City of Green Bay Code 1.40 (Public Records)
4. Current BID Contacts
5. Current BID Maps

History of Business Improvement Districts in Wisconsin

In 1984, the State of Wisconsin signed into law, the Wisconsin ACT 184, a legislative declaration created to give Wisconsin municipalities (i.e., cities, villages and towns) the power to establish one or more Business Improvement Districts (BIDs) within their community. An assessment methodology is developed that allows business properties within that geographic area to contribute to programs aimed at promotion, management, maintenance and the development of the district. Business Improvement Districts are restricted to commercial and industrial districts within a municipality that are subject to real estate tax. Tax exempt properties such as religious, public utility or government properties or those used exclusively as residences cannot be included in the district assessment.

There are currently three Business Improvement Districts operating in commercial districts throughout the City of Green Bay. As more business associations, community development corporations and other economic development organizations discover the power of business improvement districts, there will be a continued proliferation in the number of BIDs in urban commercial districts.



It is because of the ongoing interest is Business Improvement Districts, that we have prepared the BID Handbook. The BID handbook was designed to assist district business associations and economic development corporations in the creation and managements of Business Improvement Districts.

The BID Law

In passing the BID law, the legislature included a four-point declaration. The declaration speaks to the question "Why create a *business improvement district*?" Whereas, the BID statute itself only explains "how" the districts are to be created and operated. The declaration states the following:

1. The continued vitality of the commercial business district of this state, chiefly those in downtown and urban commercial areas, is necessary to retain existing businesses and attract new businesses.

2. A decline in public revenues emphasized the importance of assembling viable public-private partnerships to undertake revitalization of these districts.

3. The establishment of a business improvement district system benefits the health, safety, welfare, and prosperity of the people of this state.

4. The purpose of this act is to authorize cities, villages, and towns to create one or more business improvement districts to allow businesses within those districts to develop, manage and promote the districts and to establish an assessment method to fund these activities.

The provisions of the BID statute must be followed to create a legitimate BID.
(A copy of the BID statute is attached as an Appendix)

The BID law requires that BIDS be reviewed and approved by the City's Plan Commission, the Common Council, and the Mayor.

BID Activities and Benefits of a BID

A Business Improvement District (BID) takes on variety of activities. The most common BID activities include:

- Business recruitment and development
- Streetscape projects
- Clean up efforts and visual enhancements
- District management
- Media and public relations

Some of the benefits of Business Improvement District:

- Promote a positive image of a commercial district
- Create a unified voice to advocate for a commercial district
- Establish private sector control and accountability
- The BID structure can serves as an economic development tool for business associations, merchant groups and community development corporations.

Initiating the BID Process

The legislation emphasizes public-private partnership when creating a Business Improvement District (BID). A single property owner or a group of property owners can file a petition asking the city to create a BID. It is recommended that the proponents of a BID correspond with the City's Economic Development Department prior to petitioning the City for a BID.

After the Operating Plan has been submitted and deemed to be a satisfactory representation of the requirements of state statutes by the City Attorney, the Plan Commission is to hold a public hearing for review. If significant interest exists for creation of the BID, the Plan Commission must determine if the proposed Operating Plan fits within the guidelines, goals and interest of the City's Comprehensive Plan; and any subsequent adopted plans pertaining to the district defined within its BID boundaries. Once formed, the Plan Commission, in open meeting with BID stakeholders, will review the past years' Operating Plans, budget activities and discuss proposed changes to upcoming Operating Plans in a public forum.

BID proponents should work cooperatively with Economic Development and Law Departments to ensure that the BID statutory requirements are followed.

The following criteria are required when establishing a Business Improvement District:

1. The proponents of a BID must be an organization of active merchants or property owners, which meets regularly, has by-laws and a formal structure.
2. The membership of the merchants/property owners' organization must represent a significant portion of the property in the proposed district. The merchants/property owner's organization representative should be a credible spokesperson.
3. The proponents of the BID must participate in the preparation of the Operating Plan, meet with property owners and stakeholders and share in the special planning studies.

Steps to Form a Business Improvement District

When forming a business improvement district, it is important to understand that it takes approximately 9-12 months.

The steps listed below will assist you in organizing the activities involved when creating a Business Improvement District. The City's budget schedule ultimately dictates the BID-processing schedule.

1. <u>Create the BID formation infrastructure</u>
    - Establish property owner support committee
    - Contact the city BID coordinator (Economic Development Dept.)
    - Define district boundaries
    - Create a property owner database

2. <u>Consensus Building/Education</u>
    - Conduct a property and business owner focus group
    - Convene informational meetings
    - Emphasize communications and outreach

3. <u>Develop Operating Plan (a model BID Operating Plan is attached)</u>
    - Identify Issues/Projects to be initiated
    - Develop a budget (costs associated with project goals)
    - Develop an assessment methodology (cost to individual property owners)
    - Review the assessment and conduct benefit analysis vs. district goals
    - Establish a governance (BID board composition)

4. <u>Final Plan Review</u>
    - Meet with property owners/stakeholders to review Operating Plan
    - Meet with City Economic Development staff to review Operating Plan
    - Conduct a Legal Review in compliance with City and State Law
    - Finalize Operating Plan and Assessment methodology

5. <u>Petition Campaign</u>
    - Develop communication and marketing materials

- Prepare petition and distribute Operating Plan
- Collect signed petitions

6. Petitions and Final Operating Plan
    - Submit petitions and proposed BID operating plan to the City BID coordinator
    - Submit Petitions and Operating Plan to City Attorney for opinion letter
    - Publication of Class 2 notice three weeks before public hearing
    - Certified mail copies of hearing notice and Operating Plan to property owners within the proposed district

7. Public Hearings
    - Plan Commission public hearing and approval
    - Common Council hearing and approval
    - Mayor approval

8. BID Board Members
    - BID Board must consist of at least five members.
    - Members of the area business association, community development corporation or a community-based organization are appropriate BID board members.
    - A majority of the board members must own or occupy property within the BID district.
    - The BID appointment letters and/or resumes must be submitted to the Mayor for approval.
    - Before the first scheduled BID Board meeting, the Office of City Clerk must administer an Oath of Office at the first BID board meeting.

Farmers Market on Broadway

PROCESSING SCHEDULE FOR PROPOSED BID

Step	Activity (subject to change)	Timeframe
1	Begin preparation of Operating Plan	Jan. - March
2	Formal and informal briefings and information meetings for property owners held by the proponents for the BID (i.e. business association, business owners, community development corporation, etc.)	Ongoing
3	Receipt of Final Operating Plan and property owner petitions requesting creation of BID; Operating Plan and petition sent to City Attorney for opinion letter.	May - June
4	Receipt of City Attorney's opinion	May - June
5	Public Hearing (Planning Commission) date set	June - July
6	Request City Clerk to publish Class 2 Notice (specify publication dates) a minimum three weeks before Plan Commission public hearing	July
7	Send by certified mail copies of hearing notice and Operating Plan to all property owners within the proposed district (sent by municipality)	July
8	First Class 2 notice of Plan Commission hearing published	Jul - Aug
9	Second Class 2 notice of Plan Commission hearing published	August
10	Plan Commission public hearing; Plan Commission action on Operating Plan (start of 30 day period if approved)	Aug - Sept
11	Deadline for submission of Resolution creating BID and approving Operation Plan for introduction at Common Council meeting	September
12	Council meeting; action on Resolution & Operating Plan	Sept - Oct
13	Council & Mayor approve Operation Plan; adopt City Budget	Nov

Note: This schedule allows inclusion of the BID assessments in the next year's City budget.

Yearly BID Activity Schedule

(Dates Subject to Change)

Monthly

- Clerk's Office will send the Finance Dept spreadsheet of delinquent BID assessment collections and outstanding values.
- The finance department will review and disperse delinquent funds collected on a quarterly basis

January

- Tax collections continue for tax bills sent out December 15 of the prior year

February

- City Clerk's Office prepares delinquent BID assessment spreadsheet based on tax collections.
- Finance Department disperses funds to BID's and issues an assessment collection report to the BID districts and Green Bay Economic Development Department (GBED) (third week).

April

- Assessor sends Brown County values as of January 1 of the new year
- Brown County runs statement of assessments on parcels that have changed in value and mails them out.

May

- Board of review takes up any disagreements in value (third week of May).
- Updates from the BOR decisions are made to the assessment roll

June

- Finance will run the estimated BID assessment for the new tax year based on the previous year's BID rates for the purpose of BID's establishing a budget. This report will be sent to the BID and GBED for their review. (Finance to ask BC to use the new year's assessed values to run this preliminary report. Once preliminary report is complete, BC to change the year back to current year's tax collection year.)

July

- BIDs review BID assessment report for parcel id and bid rate verification. Any updates need to be sent to Finance who in turn will ask the Assessor's office to make necessary changes on the parcel records.
- BIDs submit annual certified audits and status reports to GBED.

August

- BID's update Plan Commission on revenue and expenditures based on the previous year's BID Operating Plans and Audit Report.

September

- BIDs finalize Operating Plan for BID Board approval; attain City Attorney approval letter

October

- BIDs submit the final Operating Plan with special assessment to City for inclusion in Plan Commission hearing. *Submittal to be made no later than October 1st.*

November

- Council adopts Operating Plan via Plan Commission Minutes
- Finance makes any updates to BID rates if necessary
- Finance sets the tax roll during the last week based upon the final BID assessments and sends a "preliminary final" report to the BIDs and GBED.
- Report is reviewed by the BID to identify any ceilings or floors for parcels.
- Any changes to the BID assessment values are conveyed to Finance who in turn will have Brown County IT department to make the changes in the tax file.
- Finance will rerun the final BID report and send it to each of the BIDs and GBED (last week of November or first week of December)

December

- Brown County sends adjusted Property Tax Bills to property owners

Termination of a New BID and Plan

Under this procedure, any petition against the creation of a BID pursuant to section (66.1109) (2) (d) should be submitted directly to the Common Council via the Office of the City Clerk.

The City may not create the Business Improvement District if, within 30 days of the City Plan Commission's hearing, a petition is filed with the City containing signatures of:

- Owners of property to be assessed under the proposed initial Operating Plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial Operating Plan, using the method of valuation specified in the proposed initial Operating Plan; or
- Owners of property to be assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of the all property to be assessed under the proposed initial operating plan.

The procedure applies only to proposals to create a new business improvement district.

Termination of an Existing BID and Plan

Municipalities are authorized to terminate a BID at any time according to BID statute 66.1109 (4m): There are special procedures that allow "owners" to terminate a BID. The termination steps are as follows:

1. One year after the initial operating plan has been adopted, the owners of property assessed under the operating plan may sign and file a petition with the municipality having a valuation equal to or more than 50% of the valuation of all properties assessed under the operating plan, using the method of valuation specified in the operating plan.

2. Within 30 days after filling of the petition, the planning commission must hold public hearing on the proposed termination, with notice to all owners of property within the BID. It is required that the Operating Plan and a copy of detailed map showing the boundaries of the BID be sent by certified mail to all owners. The Plan Commission will make a recommendation to act on the termination request.

3. If after the expiration of 30 days following the date of the Plan Commission hearing and meeting, the request of the property owners who have met the valuation requirements stated above (Paragraph #1) may be granted by the municipality through the vote of the Common Council.

4. The earliest date on which the municipality may terminate the BID is the date on which all previous operating plan obligations have been met and the current operation plan expires.

Note: *If a BID has a long-term debt obligation, such as streetscape improvement project, the BID must continue its existence until the obligation is satisfied.*

Administering the BID

BID Board

The creation of the BID, adoption of its first year Operating Plan by the Common Council, and appointment of BID Board members by the Mayor together result in a more sophisticated public-private partnership. The BID Board becomes the governing agency that operates on behalf of property owners in the district.

The uniqueness of the BID require some special guidelines for its administration to ensure that neither its responsibilities to the public or the private businesses are disregarded.

1. **Board Members**

   Appointments:

   a. The organization submits a BID Board nomination letter and resume to the Economic Development Department's BID staff for review. All nominees must be current on property tax and building code violations.
   b. The Economic Development Dept. will review and submit the referred BID Board nominees, if findings are satisfactory.
   c. All BID Board referrals are reviewed by the Mayor's Office; if approved by the Mayor, the BID Board appointments are submitted to the Plan Commission.
   d. If approved by the Plan Commission, the BID Board appointments are referred to the Common Council for approval.
   e. The City Clerk or designee must swear in all newly appointed BID Board members at the first scheduled business meeting.
   f. After the members are sworn, the BID Board can hold its first official BID meeting.

   Resignations/Terminations

   BID Board officer or BID designee must submit board member's letter of resignation to the Mayor's Office upon expiration of term or member resignation.

2. **Meetings**

   a. The Wisconsin Open Meetings Law governs all BID board meetings. This requires that the BID submit public meeting notices; each notice must be submitted the Office of the City Clerk at least one week prior to the scheduled meeting. The City Clerk's Office publishes the upcoming week's meeting schedule on Thursdays.
   b. The board must meet at least twice each calendar year.
   c. The board shall adopt rules of order (by-laws) to govern the conduct of its meeting.

3. **Record Keeping**
    - Files and records of the board's affairs shall be kept pursuant to public record requirements. (City Code 1.40 is attached as Appendix)
4. **Staffing**
    - The Board may employ staff and/or contract for staffing services pursuant to the Operating Plan and subsequent plan modifications.

The BID board members should be made aware of provisions in the Wisconsin Statutes section 946.13, (1) (b) regarding conflict of interest when any "officer or employee, participates in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part."

BID Appointment Template

May 30, 2012

Honorable Mayor Jim Schmitt
City Hall, Room 200
100 N. Jefferson Street
Green Bay, WI 54301

Dear Mayor Jim Schmitt,

RE: BID NO._____BUSINESS IMPROVEMENT DISTRICT BOARD MEMBER APPOINTMENTS

We would like to request the appointment of (# of members) (5) BID Directors to the Board of the Business Improvement District _____ (Name).

The names and recommended terms for appointment are listed below:
Professional biographical information for: The Board members listed below are attached for your consideration.

Name Address City State, Zip Code Term 01/12 – 12/14

We hope that you will agree that the appointment of these dedicated individuals will benefit our board and the _____Business Improvement District.
If you require additional information, please do not hesitate to contact me at 920-###-####.

Sincerely,

Cc: ED Dept
City Clerk

Resume Template

Name

Mary Brooks

Experience

2002 – 2013 Arbor Shoes Southridge, WA

National Sales Manager

- Increased sales from $50 million to $100 million.
- Doubled sales per representative from $5 million to $10 million.
- Suggested new products that increased earnings by 23%.

1998 – 2002 Ferguson and Bardell Southridge, WA

District Sales Manager

- Increased regional sales from $25 million to $350 million.
- Managed 250 sales representatives in 10 Western states.
- Implemented training course for new recruits – speeding profitability.

1994 – 1998 Duffy Vineyards Southridge, WA

Senior Sales Representative

- Expanded sales team from 50 to 100 representatives.
- Tripled division revenues for each sales associate.
- Expanded sales to include mass-market accounts.

1991 – 1994 LitWare, Inc. Southridge, WA

Sales Representative

- Expanded territorial sales by 400%.
- Received company's highest sales award four years in a row.
- Developed Excellence in Sales training course.

Education

1989 Southridge State University Southridge, WA

- B.A., Business Administration, and Computer Science.
- Graduated Summa Cum Laude.

Interests

Southridge Board of Directors, running, gardening, carpentry, and computers.

Community Involvement

Select text you would like to replace, and type your information.

BID Operations

Even though the uniqueness of each BID dictates how the day-to-day operations are performed, there are standard procedures that each BID must follow.

BID Revenues
Annual BID assessment payments are based on the special assessment charges collected from each commercial property owner or business located in a business improvement district.

The City of Green Bay disburses the collected revenues to each Business Improvement District.

1. The BID submits a payment request to the Comptrollers' Office. The document requests the processing of the Annual BID Assessment check.
2. The BID Assessment statement/invoice is prepared; it itemizes the annual BID payment. The invoice includes the BID special assessment, City contribution (if any), and City loan repayment (if any).
3. The City's Contribution Agreement is prepared and submitted to the Common Council for approval.
4. Disbursements are scheduled with each BID Organization: either to pick up BID checks or to direct deposit in designated account; the BID Assessment Statement is issued to BID the organization.

Updating the BID Operating Plan
BID statute 66.1109 (3) (b) states, "The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its business improvement district." (See Appendix)

1. The BID board/director will update the operating plan based on the activities and projects that the BID will undertake for the upcoming year. The initial assessments are included in the Operating Plan; the BID is required to send a notice to all property and business owners of any changes to the assessments of the operating plan.
2. The BID Board is required to schedule an open meeting for property owners and businesses in the district to review the Operating Plan after which the BID Board will approve it.
3. Upon approval by the BID Board, the annual operating plan along with the certified audit and status report is submitted to the ED BID Coordinator for Plan Commission and Council review and approval.
4. The BID Directors are noticed to appear before the Plan Commission and/or the Common Council.

Certified Audits and Annual Status Reports
The BID's will update Plan Commission annually on revenue and expenditures based on the previous year's BID Operating Plans and Audit Report; sharing the year's highlights and successes. BID statute (3)(C) mandates that the BID board shall prepare and make available to the public annual reports

describing the status of the business improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan. If the BID fails to submit the certified audit and annual status report, the Office of the City Clerk and the Economic Development Department may authorize an audit of the BID at the expense of the BID budget.

Initial Assessments

The BID operating budget is primarily financed by the special taxes assessed on each property and business located in the business improvement district. The various acceptable methods include, but not limited to: total assessment value, size of lot, front footage of lot, uniform fixed amount per parcel, or combination of these methods. The BID's operating plan clearly defines the method of assessment (See BID Activity Schedule as Appendix)

1. The Assessor's Office provides a list of assessed values for properties within a business improvement district. This BID report contains data such as Tax key number, property address, owner name and current value.
2. The BID is responsible for the updating property assessment data based on the current year's detailed BID report; each BID utilizes the assessment formula defined in the operating plan.
3. The BID is required to submit the initial assessments as part of the Operating Plan.

Final Assessments

The assessments are updated after the appeals process is complete; the appeal process allows the commercial property owner to appeal the assessed value of their properties. The appeal process is completed the third week in May; the final BID report is generated by the Assessor's Office reflecting any changes in the property values.

It is imperative that the BIDs update the original spreadsheet to reflect the new value and submit any changes to the BID Coordinator by the specified date. In some cases, BIDs include language in their BID Operating Plan. An example of this would be "Effective the date the BID plan is approved the assessments will not change."

The BID assessments are reported to the City's Budget Office in November and they become a part of the City's annual budget.

Summary

BIDs are powerful revitalization tools, and commercial districts throughout the city benefit from the economic prosperity. As businesses embrace the uniqueness of the BIDs located in their commercial districts, economic growth becomes a reality for these communities.

It is hoped that this handbook will assist BIDs in Green Bay in achieving the full potential as catalysts for improvement in Green Bay's business districts. Guidelines from other participating Wisconsin BID municipalities contributed to this handbook.

Wisconsin State Statute "BID Law"

66.1109 Business improvement districts.
(1) In this section:
(a) "Board" means a business improvement district board appointed under sub. (3) (a).
(b) "Business improvement district" means an area within a municipality consisting of contiguous parcels and may include railroad rights-of-way, rivers, or highways continuously bounded by the parcels on at least one side, and shall include parcels that are contiguous to the district but that were not included in the original or amended boundaries of the district because the parcels were tax-exempt when the boundaries were determined and such parcels became taxable after the original or amended boundaries
of the district were determined.
(c) "Chief executive officer" means a mayor, city manager, village president or town chairperson.
(d) "Local legislative body" means a common council, village board of trustees or town board of supervisors.
(e) "Municipality" means a city, village or town.
(f) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:
1. The special assessment method applicable to the business improvement district.
1m. Whether real property used exclusively for manufacturing purposes will be specially assessed.
2. The kind, number and location of all proposed expenditures within the business improvement district.
3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.
4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.
5. A legal opinion that subds. 1. to 4. have been complied with.
(g) "Planning commission" means a plan commission under s. 62.23, or if none a board of public land commissioners, or if none a planning committee of the local legislative body.
(2) A municipality may create a business improvement district and adopt its operating plan if all of the following are met:
(a) An owner of real property used for commercial purposes and located in the proposed business improvement district designated under par. (b) has petitioned the municipality for creation of a business improvement district.
(b) The planning commission has designated a proposed business improvement district and adopted its proposed initial operating plan.
(c) At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed business improvement district shall be sent by certified mail to all owners of real property within the proposed business improvement district. The notice shall state the boundaries of the proposed business improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.
(d) Within 30 days after the hearing under par. (c), the owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan, or the owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed initial operating plan, have not filed a petition with the planning commission protesting the proposed business improvement district or its proposed initial operating plan.
(e) The local legislative body has voted to adopt the proposed initial operating plan for the municipality.
(3)
(a) The chief executive officer shall appoint members to a business improvement district board to implement the operating plan. Board members shall be confirmed by the local legislative body and shall serve staggered terms designated by the local legislative body. The board shall have at least 5 members. A majority of board members shall own or occupy real property in the business improvement district.
(b) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its business improvement district. The board shall then submit the operating plan to the local legislative body for its approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any change

to the special assessment method applicable to the business improvement district shall be approved by the local legislative body.
(c) The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit upon termination of the business improvement district.
(d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, has all powers necessary or convenient to implement the operating plan, including the power to contract.
(4) All special assessments received from a business improvement district and all other appropriations by the municipality or other moneys received for the benefit of the business improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the costs of audits required under sub. (3) (c) or on order of the board for the purpose of implementing the operating plan. On termination of the business improvement district by the municipality, all moneys collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed property in the business improvement district, in the same proportion as the last collected special assessment.
(4m) A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:
(a) A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.
(b) On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (e).
(c) Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.
(d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.
(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.
(5)
(a) Real property used exclusively for residential purposes and real property that is exempted from general property taxes under s. 70.11 may not be specially assessed for purposes of this section.
(b) A municipality may terminate a business improvement district at any time.
(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.
History: *1983 a. 184; 1989 a. 56 s. 258; 1999 a. 150 s. 539; Stats. 1999 s. 66.1109; 2001 a. 85.*

Operating Plan Template

BUSINESS IMPROVEMENT DISTRICT NO. __

(NAME OF DISTRICT)

PROPOSED OPERATING PLAN

(District Logo)

Draft

date

TABLE OF CONTENTS

table of contents

I. INTRODUCTION

A. Background

In 1984, the Wisconsin legislature created 66.1109 (formerly S. 66.608) of the Statutes (see Appendix A) enabling cities to establish Business Improvement Districts (BIDs). The purpose of the law is "to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities." (1983 Wisconsin Act 184, Section 1, legislative declaration.)

The City of Green Bay has received a petition from property owners which requests creation of a Business Improvement District for the purpose of revitalizing and improving the _____ business area on Green Bay's ___ side. (see Appendix B). The BID law requires that every district have an annual Operating Plan. This document is the initial Operating Plan for the proposed _____district. The BID proponents prepared this Plan with technical assistance from the City of Green Bay Economic Development Department.

B. Physical Setting

Insert a description of the business area.

II. DISTRICT BOUNDARIES

Boundaries of the proposed district are shown on the map in Appendix C of this plan. A listing of the properties included in the district is provided in Appendix D.

III. PROPOSED OPERATING PLAN

A. Plan Objectives

The objective of the BID is to: Insert list of general objectives; for example, "to increase the number and variety of businesses in the district."

B. Proposed Activities – Year Next

Principle activities to be engaged in by the district during its first year of operation will include: Insert list of activities; for example, "organize a Business Block Watch to enhance safety and security."

1.
2.
3.

C. Proposed Expenditures – Year Next

Proposed Budget

Insert proposed line item budget.

D. Financing Method

It is proposed to raise insert amount through BID assessments (see Appendix D). If other sources (grants, program revenue, etc.) will also be used to fund the BID budget, these should be described. The BID Board shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds actually available.

E. Organization of BID Board

Upon creation of the BID, the Mayor will appoint members to the district board ("board"). The board's primary responsibility will be implementation of this Operating Plan. This will require the board to negotiate with providers of services and materials to carry out the Plan; to enter into various contracts; to monitor development activity; to periodically revise the Operating Plan; to ensure district compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of BID assessments.

State law requires that the board be composed of at least five members and that a majority of the board members be owners or occupants of property within the district.

It is recommended that the BID board be structured and operate as follows:

1. Board Size - Five & up

2. Composition - At least three members shall be owners or occupants of property within the district. Any non-owner or non-occupant appointed to the board shall be a resident of the City of Green Bay. The board shall elect its Chairperson from among its members.

3. Term - Appointments to the board shall be for a period of three years except that initially two members shall be appointed for a period of three years, two members shall be appointed for a period of two years, and one member shall be appointed for a period of one year.

4. Compensation - None

5. Meetings - All meetings of the board shall be governed by the Wisconsin Open Meetings Law.

6. Record Keeping - Files and records of the board's affairs shall be kept pursuant to public record requirements.

7. Staffing - The board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof.

8. Meetings - The board shall meet regularly, at least twice each year. The board shall adopt rules of order (“by laws”) to govern the conduct of its meetings.

F. Relationship to the insert name of local business association.

The BID shall be a separate entity from the insert name of local business association, not withstanding the fact that members, officers and directors of each may be shared. The Association shall remain a private organization, not subject to the open meeting law, and not subject to the public record law except for its records generated in connection with the BID board. The Association may, and it is intended, shall, contract with the BID to provide services to the BID, in accordance with this Plan.

IV. METHOD OF ASSESMENT

A. Assessment Rate and Method

This describes the assessment method most commonly used by Green Bay BIDs. Other methods are possible. City staff can assist in developing other methods to fit the proposed BID's circumstances.

The principle behind the assessment methodology is that each property should contribute to the BID in proportion to the benefit derived from the BID. After consideration of other assessment methods, it was determined that assessed value of a property was the characteristic most directly related to the potential benefit provided by the BID. Therefore, a fixed assessment on the assessed value of the property was selected as the basic assessment methodology for this BID.

However, maintaining an equitable relationship between the BID assessment and the expected benefits requires an adjustment to the basic assessment method. To prevent the disproportional assessment of a small number of high value properties, a maximum assessment of insert amount per parcel will be applied.

As of January 1, insert year, the property in the proposed district had a total assessed value of over insert amount million. This plan proposed to assess the property in the district at a rate of insert amount per $1,000.00 of assessed value, subject to the maximum assessment, for the purposes of the BID.

Appendix D shows the projected BID assessment for each property included in the district.

B. Excluded and Exempt Property

The BID law requires explicit consideration of certain classes of property. In compliance with the law the following statements are provided.

1. State Statute 66.1109(1)(f)lm: The district will contain property used exclusively for manufacturing purposes, as well as properties used in part for manufacturing. These properties will be assessed according to the method set forth in this plan because it is assumed that they will benefit from development in the district.

2. State Statute 66.1109(5)(a): Property known to be used exclusively for residential purposes will not be assessed; such properties will be identified as BID Exempt Properties in Appendix D, as revised each year.

3. In accordance with the interpretation of the City Attorney regarding State Statute 66.1109 (1)(b), property exempt from general real estate taxes has been excluded from the district. Privately owned tax-exempt property adjoining the district and which is expected to benefit from district activities may be asked to make a financial contribution to the district on a voluntary basis.

V. RELATIONSHIP TO GREEN BAY COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY

A. City Plans

Site City plan…….. Therefore, it is fully consistent with the City's Comprehensive Plan.

B. City Role in District Operation

The City of Green Bay has committed to helping private property owners in the district promote its development. To this end, the City expected to play a significant role in the creation of the Business Improvement district and in the implementation of the Operating Plan. In particular, the City will:

1. Provide technical assistance to the proponents of the district through adoption of the Plan, and provide assistance as appropriate thereafter.
2. Monitor and, when appropriate, apply for outside funds that could be used in support of the district.
3. Collect assessments, maintain in a segregated account, and disburse the monies of the district.
4. Receive annual audits as required per sec. 66.1109 (3) (c) of the BID law.
5. Provide the board, through the Tax Commissioner's Office on or before June 30th of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1st of each Plan year, for purposes of calculating the BID assessments.
6. Encourage the State of Wisconsin, Brown County and other units of government to support the activities of the district.

VI. PLAN APPROVAL PROCESS

A. Public Review Process

The Wisconsin Business Improvement district law establishes a specific process for reviewing and approving proposed districts. Pursuant to the statutory requirements, the following process will be followed:

1. The City of Green Bay Plan Commission will review the proposed district boundaries and proposed Operating Plan and will then set a date for a formal public hearing.

2. The City Plan Commission, in cooperation with the Economic Development Department, will send, by certified mail, a public hearing notice and a copy of the proposed Operating Plan to all owners of real property within the proposed district. In addition a Class 2 notice of the public hearing will be published in a local newspaper of general circulation.

3. The City Plan Commission will hold a public hearing, will approve or disapprove the Plan, and will report its action to the Common Council.

4. The Common Council will act on the proposed BID Plan.

5. If adopted by the Common Council, the proposed BID Plan is sent to the Mayor for his approval.

6. If approved by the Mayor, the BID is created and the Mayor will appoint members to the district board established to implement the Plan.

B. Petition against Creation of the BID

The City may not create the Business Improvement district if, within 30 days of the City Plan Commission's hearing, a petition is filed with the City containing signatures of:

1. Owners of property to be assessed under the proposed initial Operating Plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial Operating Plan, using the method of valuation specified in the proposed initial Operating Plan; or

2. Owners of property to be assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed Operating Plan.

VII. FUTURE YEAR OPERATING PLANS

A. Phased Development

It is anticipated that the BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives defined in this initial Operating Plan.

Section 66.1109 (3) (a) of the BID law requires the board and the City to annually review and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms the complete development program, it focuses upon Year One activities, and information on specific assessed values, budget amounts and assessment amounts are based on Year One conditions. Greater detail about subsequent year's activities will be provided in the required annual Plan updates, and approval by the Common Council of such Plan updates shall be conclusive evidence of compliance with this Plan and the BID law.

In later years, the BID Operating Plan will continue to apply the assessment formula, as adjusted, to raise funds to meet the next annual budget. However, the method of assessing shall not be materially altered, except with the consent of the City of Green Bay.

B. Amendment, Severability and Expansion

This BID has been created under authority of Section 66.1109 of the Statutes of the State of Wisconsin. Should any court find any portion of this Statute invalid or unconstitutional its decision will not invalidate or terminate the BID and this BID Plan shall be amended to conform to the law without need of reestablishment.

Should the legislature amend the Statute to narrow or broaden the process of a BID so as to exclude or include as assessable properties a certain class or classes of properties, then this BID Plan may be amended by the Common Council of the City of Green Bay as and when it conducts its annual Operating Plan approval and without necessity to undertake any other act. This is specifically authorized under Section 66.1109(3)(b).

APPLICATION APPENDICES

A. STATUTE
B. PETITION
C. PROPOSED DISTRICT BOUNDARIES
D. YEAR ONE PROJECTED ASSESSMENTS
E. CITY ATTORNEY'S OPINION

CHAPTER 1
GENERAL GOVERNMENT

1.40 RETENTION OF PUBLIC RECORDS. (Cr. GO 2-99)

(1) PURPOSE. Pursuant to Sec. 19.21, Wis. Stats., this ordinance authorizes the transfer or destruction of obsolete records.

(2) DEFINITIONS.

(a) Legal Custodian. The individual responsible for maintaining records pursuant to Sec. 19.33, Wis. Stats.

(b) Record. The meaning as defined in Sec. 19.32(2), Wis. Stats.

(3) GENERAL RETENTION PERIOD. Unless a different retention period is specifically adopted in the Records Retention Schedule or required by Wisconsin Statutes, all records shall be retained at least seven years before destruction.

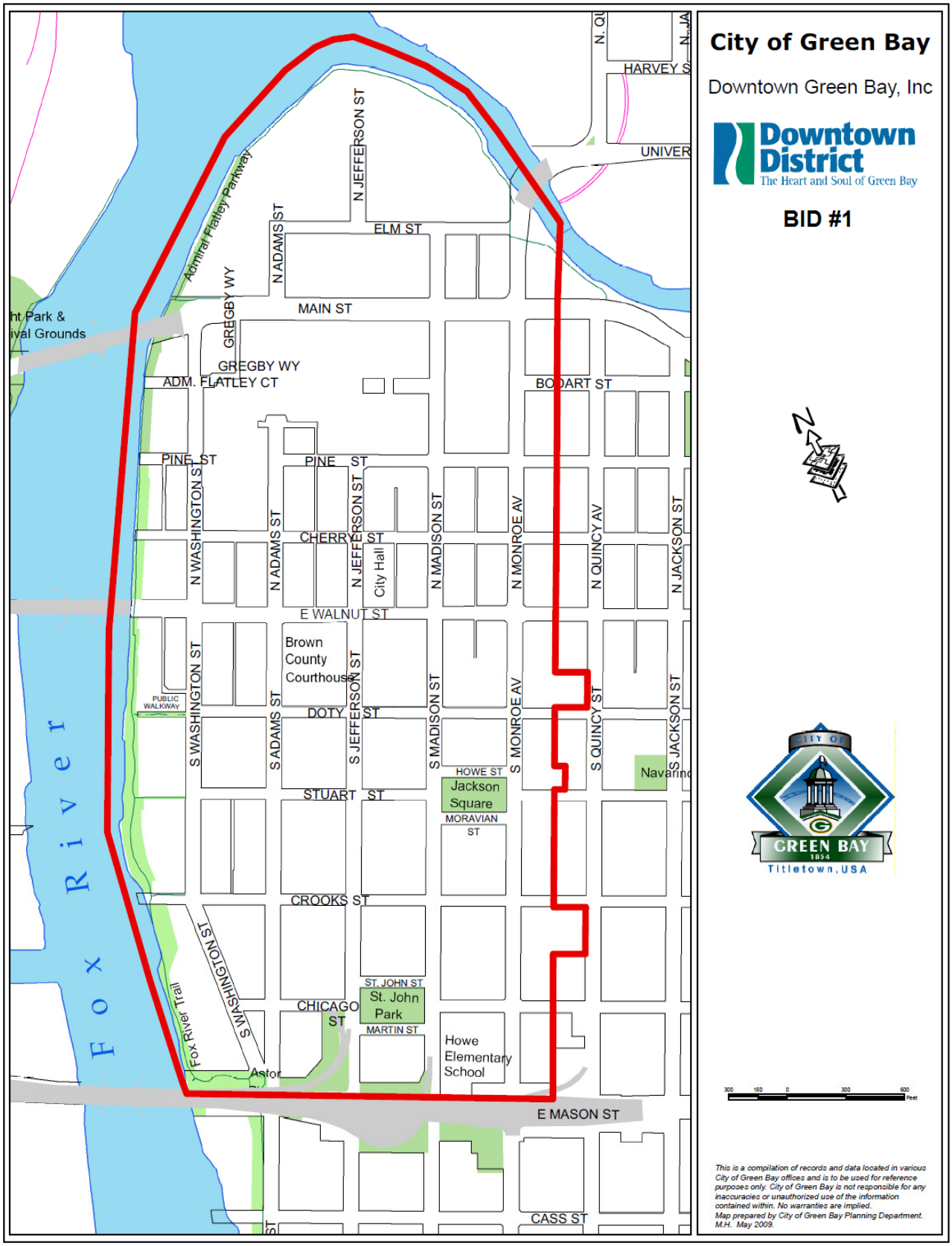
(4) RECORDS RETENTION SCHEDULE. (Amd. GO 13-10) The schedule of retention periods differing from the period prescribed in Subsection (3) above shall be listed in the Records Retention Schedule of the City of Green Bay, which is adopted by reference as though fully set forth in this chapter. The official copy of the Records Retention Schedule shall be on file in the office of the City Clerk, who shall keep the same current at all times by such revision as is required by additions, deletions, and amendments adopted by the Common Council by ordinance from time to time.

(5) NOTIFICATION OF STATE HISTORICAL SOCIETY. At least 60 days prior to the destruction of any records pursuant to this section, the legal custodian shall notify the State Historical Society of Wisconsin in writing, unless the State Historical Society has waived notice for the type of records to be destroyed as indicated in the Records Retention Schedule.

(6) DESTRUCTION PENDING LITIGATION. Notwithstanding the above, no record subject to pending litigation shall be destroyed until the litigation is resolved.

Green Bay Business Improvement Districts (BIDs)
Contact List - 2013

#	BID	Organization / Contact	Year
1	Downtown	Downtown Green Bay Inc. 130 E. Walnut Suite 501 Green Bay, WI 54301 920.437.5972 www.DdowntownGreenBay.com Director: Jeff Mirkes	1997
2	Olde Main	Olde Main Street Inc. 130 E. Walnut Suite 501 Green Bay, WI 54301 920.437.5972 www.DowntownGreenBay.com Director: Jeff Mirkes	1999
3	Broadway	On Broadway Inc. 117 S Chestnut St. Green Bay, WI 54303 920.437.2531 www.OnBroadway.org Director: Chris Naumann	2005


City of Green Bay
Downtown Green Bay, Inc
Downtown District
The Heart and Soul of Green Bay
BID #1
N
GREEN BAY
Titletown, USA
Fox River
Admiral Flatley Parkway
N JEFFERSON ST
N ADAMS ST
ELM ST
MAIN ST
GREGBY WY
ADM. FLATLEY CT
BODART ST
HARVEY S
UNIVER
PINE ST
N WASHINGTON ST
CHERRY ST
N MADISON ST
N MONROE AV
N QUINCY AV
N JACKSON ST
City Hall
E WALNUT ST
Brown County Courthouse
S WASHINGTON ST
S ADAMS ST
S JEFFERSON ST
S MADISON ST
S MONROE AV
S QUINCY ST
S JACKSON ST
PUBLIC WALKWAY
DOTY ST
HOWE ST
Jackson Square
STUART ST
MORAVIAN ST
CROOKS ST
ST. JOHN ST
St. John Park
CHICAGO ST
MARTIN ST
Howe Elementary School
Fox River Trail
Astor
E MASON ST
CASS ST
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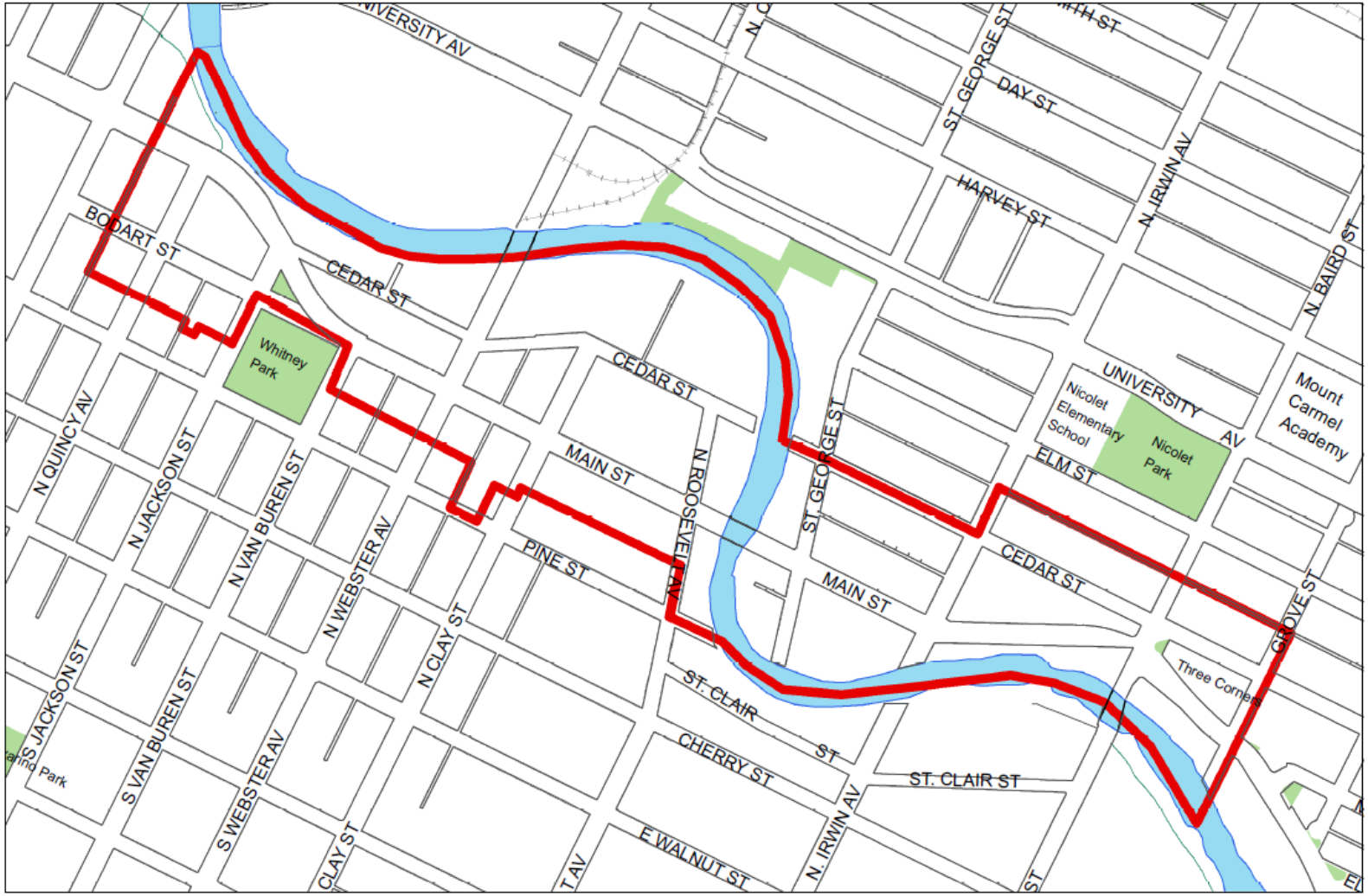
Map prepared by City of Green Bay Planning Department.
M.H. May 2009.



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Map prepared by City of Green Bay IT Department. M.H. July 2010.

N

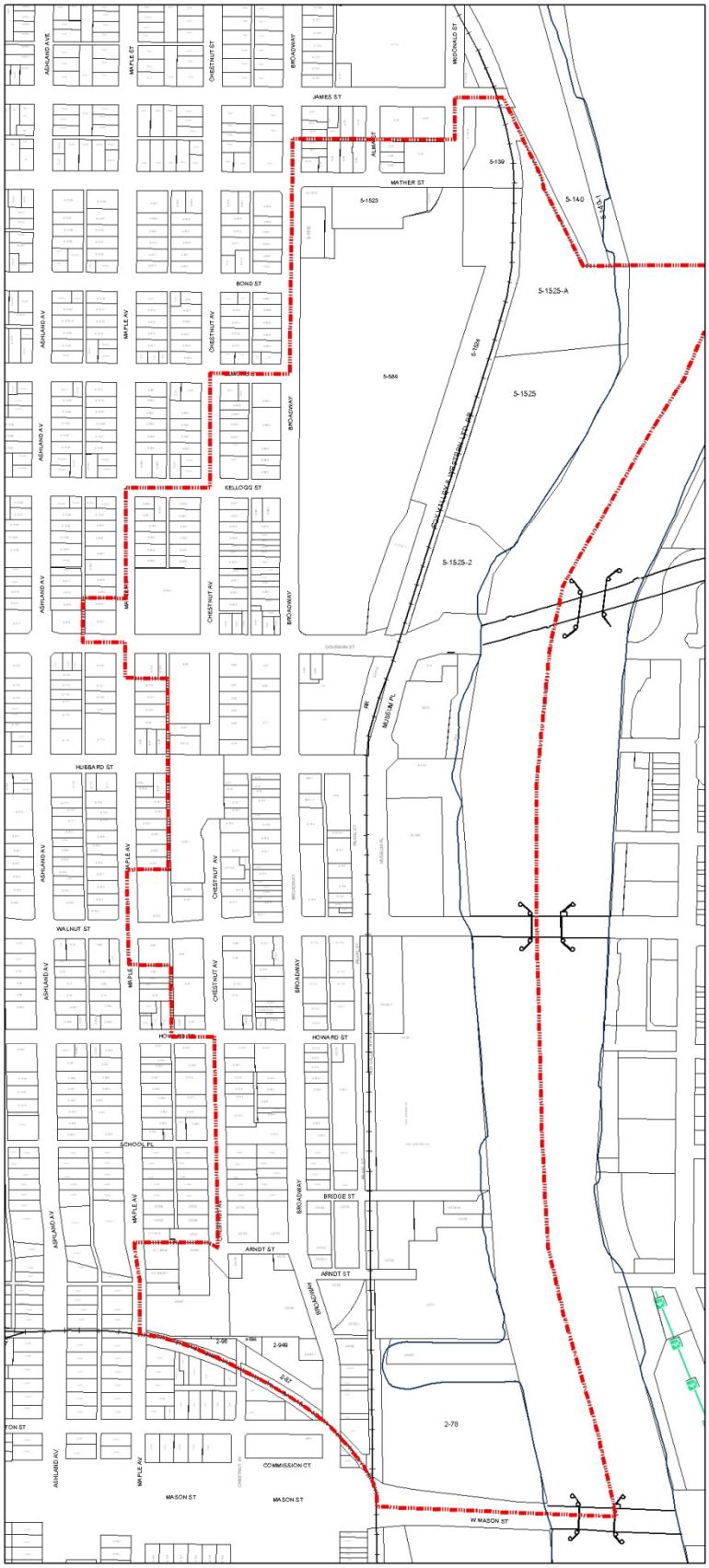
Olde Main Street District Boundary

0 250 500 1,000 Feet

OLDE MAIN STREET

City of Green Bay

BID #2



On Broadway, Incorporated

A MAIN STREET PROGRAM

Business Improvement District Boundary

0 100 200 400 600 800 Feet

City of Green Bay

BID #3

This is a compilation of records and data located in various Brown County and City of Green Bay offices and is to be used for reference purposes only. The map is controlled by the field measurements between the corners of the Public Land Survey System and the parcels are mapped from available records which may not precisely fit field conditions. Brown County/ City of Green Bay are not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.

Map prepared by City of Green Bay Planning Department July, 2004
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