

RESOLUTION NO. 98-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALDWELL, IDAHO, AN IDAHO MUNICIPAL CORPORATION, APPOINTING DOWNTOWN CALDWELL BUSINESS IMPROVEMENT DISTRICT, INC., A PRIVATE, IDAHO NON-PROFIT CORPORATION, TO ADMINISTER THE DOWNTOWN CALDWELL BUSINESS IMPROVEMENT DISTRICT, INCLUDING ANY FUNDS DERIVED PURSUANT THERETO, PURSUANT TO THE AUTHORITY GRANTED TO THE CITY UNDER IDAHO CODE § 50-2611 AND PROVIDING FOR THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, on August 15, 2016, the City of Caldwell adopted Ordinance No. 3067, thereby establishing the Downtown Caldwell Business Improvement District in accordance with Title 50, Chapter 26, of the Idaho Code;

WHEREAS, Idaho Code § 50-2611 places the responsibility on the City Council to ensure that the revenue raised through the special assessments made by and through the Downtown Caldwell Business Improvement District be used within the scope and purposes for which the district was formed, but allows the City Council to contract with and/or appoint a business association operating primarily within the boundaries of the business improvement district to “administer the operation of [the district], including any funds derived pursuant thereto; provided, that such administration must comply with all applicable provisions of law including [Chapter 26, Title 50 of the Idaho Code], with all county or city resolutions and ordinances, and with all rules or procedures lawfully imposed by the state controller or other state agencies.”;

WHEREAS, DOWNTOWN CALDWELL BUSINESS IMPROVEMENT DISTRICT, INC., is a private, Idaho non-profit corporation, of 106 S. Kimball, Caldwell, Idaho 83605, is the type of business association referenced in Idaho Code § 50-2611, operating primarily within the boundaries of the Downtown Caldwell Business Improvement District (for clarification, despite the similarity between the name of said company and the name of the district, said company is a privately incorporated non-profit corporation, and its affiliation with the Downtown Caldwell Business Improvement District is solely as a result of, and only to the extent set forth in, this Resolution);

WHEREAS, the mission and purposes of DOWNTOWN CALDWELL BUSINESS IMPROVEMENT DISTRICT, INC., are consistent with the mission and purposes for which the Downtown Caldwell Business Improvement District was formed;

WHEREAS, DESTINATION CALDWELL, INC., having been previously appointed, via Resolution No. 14-17, to administer the operation of the district as contemplated in Idaho Code § 50-2611, and which association, including its officers, directors, and affiliates, played a key role in the formation of the Downtown Caldwell Business Improvement District, through its efforts in working with the owners of business property located within the district, has

recommended and requested that the City of Caldwell appoint the DOWNTOWN CALDWELL BUSINESS IMPROVEMENT DISTRICT, INC. to continue in its place in the performance of this important function, and has committed to cooperate in any and all ways necessary during the transition of this important function to DOWNTOWN CALDWELL BUSINESS IMPROVEMENT DISTRICT, INC.; and

WHEREAS, the City of Caldwell desires to appoint DOWNTOWN CALDWELL BUSINESS IMPROVEMENT DISTRICT, INC. to “administer the operation of the business improvement district, including any funds derived pursuant thereto; provided, that such administration must comply with all applicable provisions of law including [Chapter 26, Title 50 of the Idaho Code], with all county or city resolutions and ordinances, and with all rules or procedures lawfully imposed by the state controller or other state agencies.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CALDWELL, IDAHO, AN IDAHO MUNICIPAL CORPORATION:

Section 1: Pursuant to the authority granted to it under Idaho Code § 50-2611, the City Council does hereby designate and appoint DOWNTOWN CALDWELL BUSINESS IMPROVEMENT DISTRICT, INC. to administer the operation of the Downtown Caldwell Business Improvement District, including any funds derived pursuant thereto; provided that such administration must comply with all applicable provisions of law, including, but not limited to, Chapter 26, Title 50, Idaho Code, with all county or city resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies. In furtherance of its administration of the Downtown Caldwell Business Improvement District, DOWNTOWN CALDWELL BUSINESS IMPROVEMENT DISTRICT, INC. is hereby directed to work in cooperation with the Finance Director and Department of the City of Caldwell, who shall prepare an assessment roll each year in accordance with the provisions of Ordinance No. 3067 and other applicable law, and to work with other city departments, as needed, in the collection of said special assessments and in the performance of its other duties as administrator of the district.

Section 2: This Resolution shall be full force and effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 5th day of June, 2017.



MAYOR GARRET L. NANCOLAS

ATTEST:



City Clerk

