I. PREFACE

Wisconsin Act 184, signed into law in 1984, gives Wisconsin municipalities the power to establish business improvement districts (BIDs) within their communities upon petition of at least one property owner within the proposed district. The State Legislature created Section 66.1109 of the Wisconsin Statutes (the “BID Law”) to provide a mechanism by which business properties within an established district could voluntarily assess themselves to pay for programs aimed at promoting, developing, redeveloping, managing and maintaining that district. In many instances, BIDs are established in downtowns so property owners can jointly attract tenants and increase the value of their properties. BIDs use a variety of methods to determine assessments, but a majority of Wisconsin BIDs assess based on each parcel’s assessed value. There are currently 70 BIDs in the state of Wisconsin. According to a 2005 statistic by Charles S. Law, Ph.D., the average BID assessment is $3.64 per thousand dollars of assessed valuation. According to the BID law, properties used exclusively for residential purposes may not be assessed.

Business improvement district assessments are quite similar to traditional special assessments wherein property owners are assessed for improvements or services that benefit them. Unlike the traditional special assessments, however, business improvement district assessments can be used to finance a wide range of activities, services, and improvements. Some BIDs in Wisconsin have funded physical improvements like street lighting or parking; others have funded business recruitment programs; others have promoted increased City services in the district such as security or snow removal; still others have produced promotional and marketing materials and events.

In 1997, the City of Green Bay received a petition from property owners in downtown Green Bay, who own property within the proposed Business Improvement District, which requested creation of a business improvement district for the purpose of developing the downtown. Pursuant to the BID Law, this updated operating plan for the district has been prepared. This operating plan (“Plan”) has been developed by Downtown Green Bay Inc. in conjunction with the BID proponents.

As used herein, BID shall refer to the business improvement district’s operating and governance mechanism, and “District” shall refer to the property located within the physical boundaries of the business improvement district, as provided herein.
Development of the District through creation of the BID is proposed because:

1. The BID law provides a mechanism whereby private property owners can work together in conjunction with the City to develop the district.

2. Existing public funding sources used to help maintain and promote the district may not be sufficient. Continuing unified development efforts will have to be financed with new private resources as well as existing public dollars.

3. The district is dynamic, including properties of varying types and sizes. Some form of cost sharing is necessary because it is not feasible for a small group alone to support district development efforts. The BID plan provides a fair and equitable mechanism for cost sharing which will benefit all businesses and properties within the district.

4. Use of the BID mechanism will help ensure that the entire district will be promoted and developed as expeditiously as possible.

The property owners petitioning for the establishment of the BID view it as a method to build on the work previously done in the community to improve the downtown, including the three Downtown Summits, and the City of Green Bay Downtown Land Use/Urban Design Plan. These property owners and the board of directors of Downtown Green Bay, Inc. have also pledged to work cooperatively (not competitively) with other organizations interested in downtown, including On Broadway, Inc., Olde Main Street Green Bay, Inc., the Mayor’s Neighborhood Leadership Council and others, many of whom are represented on the DGBI board.

Use of a BID to develop the district works as follows:

Step 1 The BID was created by the Common Council of the City of Green Bay.

Step 2 An operating Board composed primarily of property owners within the district has been established. This Board has all powers necessary or convenient to implement the operating plan.

Step 3 The Board negotiated and executed a contract for services with Downtown Green Bay Inc. to carry out this operating plan. This contract remains in effect.

Step 4 The City collects BID assessments from District property owners following the approved assessment formula.

II. DEVELOPMENT PLAN

A. Plan Objectives

The objective of the BID is to preserve and improve the social and economic conditions in the district by bringing together appropriate partnerships of people, organizations and funds to evaluate, facilitate or implement downtown development projects.

B. Plan of Action

The plan of action for the district for the calendar year 2012 is to promote new development and increase the value of existing properties by:

1. Implementing a downtown marketing tactics and updating marketing materials to create a more positive attitude about the district and by:
   * Producing publicity and media coverage of district activities.
• Publishing and distributing promotional materials such as a downtown business directory, visitor brochure and other promotional materials.
• Maintaining a strong two-way communication with businesses and property owners.
• Maintaining and improving a website for DGBI.
• Continuing a cooperative advertising program for district businesses.
• Distributing “What’s Up Downtown” updates introducing new businesses and business opportunities and identifying downtown events and unique activities.

2. Initiating programs that can stimulate physical improvements by the private and public sectors in the district; and continue to work to implement such programs.
   • Continue physical improvements in the downtown streetscape.

3. Identifying opportunities and developing strategies to maximize the economic potential of the district.
   • Pursuing opportunities to create appropriate partnerships of people, organizations and funds to enhance the success of downtown.

4. Working to retain existing businesses in the district.
   • Promoting education and information for businesses within the district through seminars and publications.
   • Visiting businesses in the district on a regular basis to do trouble-shooting and problem solving.

5. Working to recruit new businesses for the district.
   • Identifying space available for lease or purchase in the district and working with the Green Bay Area Chamber of Commerce’s Advance and the City of Green Bay Economic Development Authority to track and market downtown properties.
   • Working to expand and strengthen the entertainment district within the district, promoting development of the riverfront area and identifying opportunities for recruitment of appropriate businesses and developers for other areas in downtown.

6. Work with the institutions of higher learning to motivate stronger educational component in downtown Green Bay
   • Continue to work with Current Young Professionals Network to cultivate the creative class in downtown Green Bay.
   • Promote and support UW-Oshkosh MBA program and their facility space in the Regency Center office building.
   • Promote additional educational development

7. Partner with the city to bring about public funding of needed district improvements such as:
   • Refinements to the parking strategy that meets the needs of the users, the suppliers, and the merchants.
   • Promoting and supporting the KI Convention Center and its expansion
   • Aiding in the implementation of the City’s approved Urban Design Plan, which guides downtown development for the City of Green Bay.
   • Enhancing customers’, workers’ and visitors’ feeling of safety and security in the District.

8. Developing and implementing a successful program of traffic building events, special events and retail activities in the District.

9. Supporting the establishment of a downtown residential neighborhood of market rate housing as identified in the City of Green Bay Downtown Land Use/Urban Design Plan.

10. Complying with BID reporting, audit and notice requirements.

11. Identifying and acting on any other opportunities to carry out the purposes of the BID plan.

C. Benefits
Money collected by the BID under this plan will be used to:

**Help property owners get and keep tenants by:**
- Assisting property owners in their dealings with City, State and Federal government.
- Assisting property owners to retain existing businesses:
  - Visit businesses for troubleshooting and problem solving
  - Hold educational and informational programs to assist businesses requesting help.
- Assisting property owners to recruit appropriate new businesses:
  - Track market trends, downtown strengths and weaknesses and the competition for our downtown to identify opportunities and niches for business recruitment
  - Develop a marketing strategy and support materials and use them to attract targeted types of businesses
  - Track available property and target it for business locations.
- Addressing parking issues and concerns by working with City officials and district businesses.

**Help increase the value of property downtown by:**
- Working with the city to make public property look better:
  - Work in partnership with city staff and consultants to implement the City of Green Bay Downtown Land Use / Urban Design Plan and support the City Council to make these important improvements.
- Encouraging property owners and tenants to make private property look better:
  - Encourage the use of DGBI programs
  - Encourage and recognize building improvements made by businesses.
- Improving the image of downtown:
  - Reinforce brand image, theme and logo carried out in ads, decorations, etc.
  - Assess safety and security issues with city staff and consultants and identify additional customer services needed or improvements to existing services needed.

**Help tenants become stronger by:**
- Conducting successful traffic building events:
  - Coordinate Summer in the Park concerts, 3 on 3 Basketball Tournament, Green Bay Holiday Parade, Peace Tree Lighting, CityDeck programming and other successful downtown events/promotions.
  - Support those conducting International Bayfest, Artstreet, Festival Foods Fire Over the Fox, Farmers Market, Butterflies and Friends on Parade (Einstein Project Art Promotion downtown) and other downtown events/promotions.
  - Evaluate new events.
- Conducting successful retail events:
  - Assess retail tie-in promotions with seasonal activities such as a decorating contest or downtown events.
- Supporting the KI Convention Center to increase its ability to draw state and regional conventions by supporting city officials working for this goal:
  - Coordinate communication between businesses and the conventions
  - Provide marketing support
- Encouraging the establishment of more and better nearby housing to increase customer traffic:
  - Work with the Mayor’s Neighborhood Leadership Council, Neighborhood Housing Services and others to develop housing programs and attract developers to the downtown and nearby neighborhoods
  - Work with the city to assess housing needs and codes.

**D. Budget**

Except as identified herein, all expenditures will be incurred during the current plan year. Any funds remaining on any budget line item above may be moved to another budget line item, as determined by the Board of the BID. Any unused funds remaining at the end of the year shall be deposited into contingency funds for the following plan year. If any additional funds are received by the BID, whether from gifts, grants, government programs, or
other sources, they shall be expended for the purposes identified herein, and in the manner required by the source of such funds, or, if the funds have no restriction, in the manner determined by the Board of the BID. All physical improvements made with these funds shall be made in the BID District. The location of other expenditures shall be as determined by the BID Board.

Budget assumptions for proposed expenditures are described below:

1. **Administrative expenses** include staff for Downtown Green Bay, Inc. and Olde Main Street, Inc. including
   - Full Time Executive Director (salary partially covered by OMSI Admin Fee)
   - Full Time Marketing and Events Manager (Salary partially covered by OMSI and DGBCI Admin Fee)
   - Full Time Program Manager (Salary partially covered by OMSI Admin Fee)
   - .5 Marketing & Events Assistant (Salary covered by DGBCI Event Fees)
   - .25 Administrative Manager (Salary partially covered by OMSI and DGBCI Admin Fee)

2. **Operating expenses** include operating an office in downtown Green Bay so the staff and programs have a physical presence in the heart of the central business district. Minor increases or decreases from prior year are based on experience and plan of action changes. The accounting/audit amount is based on the past year’s audit fee with Hawkins, Ash, Baptie & Company for the financial audit required by BID contract.

3. **Management** includes the administering of the BID plan.

4. **Business Development** expenditures include business call programs within the district, recruitment of new businesses for the downtown area, and study/research programs to attain a better understanding of the needs of the downtown area. This committee also focuses on promoting business to business communications.

5. **Transportation & Parking** works with the City of Green Bay and others to improve traffic (both vehicular and pedestrian) flow in the downtown, and to address parking issues including supply, cost and convenience.

6. **Physical Improvements** covers special projects include the visual appearance and character of downtown; and providing special services to those who use downtown, and working with the City of Green Bay toward a uniform sign code within the downtown district.

7. **Marketing/Public Relations** includes image-building publications, public relations, branding and cooperative advertising, etc.

8. **Special Events** include the coordination and support of events helping to improve the cultural vitality downtown. All funding for these events is provided through sponsorships raised by DGBI staff.
E. **Powers**

It is intended that the board of the BID shall have all powers authorized by law, and by this Plan including, but not limited to, the following powers:

1. To manage the affairs of the district.
2. To promote new investment and appreciation in value of existing investments.
3. To contract on behalf of the BID with Downtown Green Bay Inc., and others.
4. To develop, advertise and promote the existing and potential benefits of the district.
5. To acquire, improve, lease and sell properties within the district, and otherwise deal in real estate.
6. To undertake on its own account public improvements and/or to assist in development, underwriting or guaranteeing public improvements within the district.
7. To apply for, accept, and use grants and gifts for these purposes.
8. To elect officers, hire employees and contract out work as necessary to carry out these goals.
9. To add to the security of the district.

F. Relationships to Plans for the Orderly Development of the City

Creation of a business improvement district to facilitate district development is consistent with the City of Green Bay Downtown Land Use / Urban Design Plan and would promote the orderly development of the city in general and the downtown area in particular.

G. Public Review Process

The Wisconsin Business Improvement District law establishes a specific process for reviewing and approving proposed districts. All of the statutory requirements to create the BID were followed.

III. DISTRICT BOUNDARIES

The district is bounded on the west by the Fox River, on the south by the centerline of Mason Street, on the east by the mid-block line between Monroe Avenue and Quincy Street south to the northern border of parcel #11-272, east to the eastern border of parcel #11-272, west along the border of parcel #11-272, then south again along the mid-block line between Monroe and Quincy, to the northern border of parcel #14-439, east to the eastern border of parcel #14-439, west along the border of parcel #14-439, then south again along the mid-block line between Monroe and Quincy, to the northern border of parcel #14-403, east to the eastern border of parcel #14-403, then west along the southern border of parcel #14-403, and south again along the mid-block line between Monroe and Quincy. A map showing the boundaries of the proposed BID is attached hereto as Appendix A. It includes 408 parcels, based on City of Green Bay Assessor’s Records as of August 9, 2002.

IV. ORGANIZATION

A. Operating Board

The Mayor appoints members to the BID Board (“board”). State law requires that the board be composed of at least 5 members and the majority of the board members are owners or occupants of property within the district. Appointments by the Mayor must be confirmed by the City Council.

This board’s primary responsibility is the contracting for implementation of the current year’s operating Plan, contracting for preparation of an annual report and audit on the district, annually considering and making changes to this operating Plan and submitting the operating Plan for the following year to the Common Council of the City of Green Bay for approval, and all other powers granted in this 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; and to ensure District compliance with the provisions of applicable statutes and regulations.

The BID Board shall be structured as follows:

1. Board size - 5 members.
2. Composition - A majority (at least 3) 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.

3. Term - Appointments to the board shall be for a period of 3 years, except that initially 2 members are appointed for a period of 3 years, 2 members shall be appointed for 2 years, and 1 member shall be appointed for a period of 1 year, each term ending on December 31 of the applicable year. The first board’s members with limited terms shall be identified by the City’s Common Council in confirming the appointments. The board may remove, by a majority vote, any BID board member who is absent from more than 3 meetings, without a valid excuse.

4. Compensation - None.

5. Meetings - All meetings of the board shall be governed by the Wisconsin Open Meetings law. Minutes will be recorded and submitted to the City and the board. The Board shall adopt rules of order to govern the conduct of its meetings and meet regularly, at least annually.

6. Record keeping - Files and records of the board’s affairs shall be kept following public records requirements.

7. Staffing - The board may employ staff and/or contract for staffing services pursuant to this plan and subsequent modifications thereof. Unless requested otherwise by the board, any staff members or employees of contractors may attend all meetings of the board, but will not have voting authority.

8. Officers - The board shall appoint a chairman, treasurer and secretary, any two of the three of which shall have the power to execute documents on behalf of the full board, for the purposes authorized by the full board. The board may also give its staff limited ability to write checks to carry out the plan.

B. Amendments

Section 66.1109(3)(b) of the BID Law requires the board and the city to annually review and make changes as appropriate in the district plan. Approval by the City’s Common Council of such plan updates shall be conclusive evidence of compliance of such plan with the BID Law.

The BID Law allows the BID to annually present amendments to its plan. The following process for approval of the amended plan will be followed:

1. The City of Green Bay Planning Commission will review the proposed BID Plan at a public meeting and will make a recommendation to the full Common Council.

2. The Common Council will act on the proposed business improvement district amended plan.

3. The Mayor of Green Bay will appoint new members to the BID Board at least 30 days prior to the expiration of outgoing board members’ terms.

The BID will continue to revise and develop the operating plan annually, in response to changing development needs and opportunities in the district, within the purpose and objectives defined herein and therein.

The BID Plan will continue to apply the assessment to raise funds to meet the next annual budget. However, the method of assessment shall not be materially altered, except with the consent of the City of Green Bay Common Council.
V. FINANCING METHOD

The proposed expenditures contained in Section II D, above, will be financed primarily from moneys collected from the BID assessment. It is estimated that $170,800 will be raised through assessments. Any other funds, which may be made available to the BID for the purposes contained herein, shall be collected and expended as identified in Section II D.

VI. METHOD OF ASSESSMENT

A. Parcels Assessed

All tax parcels within the district required to pay real estate taxes, including those taxed by the state as manufacturing, and all parcels used exclusively for manufacturing, will be assessed. Real property used exclusively for residential purposes may not be assessed, as required by the BID law. Property exempt from paying real estate taxes or owned by government agencies will not be assessed.

B. Levy of Assessment

Special assessments under this 2012 Operating Plan are hereby levied against each tax parcel of property within the District which has a separate tax key number, in the amount shown on the assessment schedule which is attached hereto as Appendix B. The assessment was based on the assessed value of that parcel (land and improvements) as shown in the records of the City Assessor’s office except as otherwise identified below.

The principle behind the assessment methodology is that each non-exempt parcel’s owners should pay for district development in proportion to the benefits derived. Obviously, not every parcel within the district will benefit equally, thus it has been assumed that retail, hospitality and entertainment uses will derive the most benefit and therefore will contribute to the BID at a higher assessment rate.

The 2011 assessment shown on Appendix B was calculated as $2.28 for each $1,000 of assessed value for properties whose use is identified as retail, hospitality or entertainment related. Appendix C, attached hereto, contains a list of SIC codes identifying these properties. The 2011 assessment for remaining non-exempt tax parcels in the district, not identified as used for retail, hospitality or entertainment-related uses was calculated as $.76 for each $1,000 of assessed value. For properties whose use comprises mixed SIC codes, the property has been identified with the use which makes up more than half of the square footage of any buildings constructed on the property. A change in property classification from that designated in Appendix C must be proven annually by the owner of the property in question to the BID board.

For convenience, all tax parcels within the district, which are not being assessed under the terms of the Plan, are identified on Appendix D attached hereto.

C. Assessment Collection

The City of Green Bay shall include the special assessment levied herein as a separate line item on the real estate tax bill for each parcel. For the first tax year only, if the assessments are determined too late to be included in the tax bill, they may be mailed under separate cover. The City shall collect such assessment with the taxes as a special charge, and in the same manner as such taxes, and shall turn over all moneys so collected to the BID Board for distribution in accordance with the BID Plan by the 15th day of the month following such collection. All BID assessments shall be shown on the tax bill as due and owing with the first installment of taxes. Any money collected by the City of Green Bay for BID assessments shall be held by the city in a segregated account until it is released to the BID Board.

Any BID assessments collected by the city before or after the plan year for which the assessments were made shall be delivered to the BID Board by the 15th of the month following the month during which such sums were collected, and are to be used by the BID Board in the same manner as if received during the applicable plan year.
This provision is intended to govern BID assessments prepaid in December prior to the applicable Plan year, as well as to delinquent and late payments made after the Plan year.

The BID Board shall prepare and make available to the public and the City Council annual reports describing the current status of the BID, including expenditures and revenues, at the time it submits its amended Plan to the city for the following plan year. This report shall include an independent certified audit of the implementation of the plan, which shall be obtained by the board, and which shall be paid for out of the BID budget.

The presentation of this proposed plan to the city shall be deemed a standing order of the Board under 66.1109(4) Wis. States to disburse the BID assessments in the manner provided herein.

This section shall be sufficient instruction to the city to disburse the BID assessment, without necessity of an additional disbursement agreement, disbursement method, or accounting method. Disbursements made under this plan shall be shown in the city’s budget as a line item. Other than as specified herein, the disbursement procedures shall follow standard city disbursement policy.

VII. CITY ROLE

The City of Green Bay is committed to helping private property owners in the district promote its development. To this end, the city intends to play a significant role in the creation of the Business Improvement District and in the implementation of the development plan. In particular, the city will:

1. Encourage the county and state governments to support the activities of the district.
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 moneys of the district to the BID along with an identification of those BID assessments included in the disbursement.
4. Review annual audits as required per 66.1109(3)(c) of the BID Law.
5. Provide the BID Board through the Assessor’s Office on or before September 1 of each plan year, with the official city records on assessed value for each tax key number within the district, as of that date in each plan year, for purposes of calculating the BID assessments.
6. Adopt this plan in the manner required by the BID Law.

VIII. REQUIRED STATEMENTS

The Business Improvement District law requires the plan to include several specific statements.

66.1109(1)(f)1. The special assessment method applicable to the business improvement district.
66.1109(1)(f)1m. Whether real property used exclusively for manufacturing purposes will be specially assessed.
66.1109(1)(f)2. The kind, number and location of all proposed expenditures within the business improvement district.
66.1109(1)(f)3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.
66.1109(1)(f)4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including the relationship in any municipal master plan.
66.1109(1)(f)5. A legal opinion that subds, 1. to 4. have been complied with.

IX. BOARD MEMBERS

On or before October 31 of each year, Downtown Green Bay, Inc. shall submit to the Mayor recommendations for appointments to the BID Board for the next year.

X. DOWNTOWN GREEN BAY, INC.
The BID shall be a separate entity from Downtown Green Bay, Inc. (“DGBI”), notwithstanding the fact that officers and directors of each may be shared. DGBI shall remain a private not-for-profit organization, not subject to the open meeting law, and not subject to the public records law except for its records generated in connection with its contract with the BID Board, and may, and it is intended, shall, contract with BID to provide services to BID, in accordance with the plan. Any contracting with DGBI to provide services to BID shall be exempt from the requirements of 62.15, Stats., because such contracts shall not be for the construction of improvements or provision of materials. If the BID does contract for the construction of improvements or provisions of material, it shall follow the requirements of such statutes to the extent applicable to assure open, competitive procurement of contracts and purchases. Further, the annual accounting required under 66.1109(3)(c), Stats. shall be deemed to fulfill the requirements of 62.15(14) Stats. The BID Board and the city shall comply with the provisions of 66.60 before the city inserts assessments for this BID plan onto the tax bills for the parcels assessed hereunder, only to the extent required by law, to create a lien on the parcel assessed.

XI. SEVERABILITY AND EXPANSION

This Business Improvement District has been created under authority of Section 66.1109 of the statutes of the State of Wisconsin.

Should any court find any portion of the BID Law or this Plan invalid or unconstitutional, said decision will not invalidate or terminate the Business Improvement District and this Business Improvement District Plan should be amended to conform to the law without need of re-establishment.

Should the legislature amend the statute to narrow or broaden the purposes of a Business Improvement District so as to, among other things, 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 budget approval and without necessity to undertake any other act.

All of the above is specifically authorized under Section 66.1109(3)(b) of the BID Law.

If it is determined by a court or administrative body that a parcel of property not subject to general real estate taxes may not be included within the district, then such parcels shall be excluded from the definition of the district.

All Appendices identified herein are hereby incorporated herein by this reference.