

Business Improvement Area (BIA) Policy

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1. Introduction

1.1 Purpose of the Policy

For purposes of this policy, the term Business Improvement Area (BIA) refers to a Parking and Business Improvement Area authorized under RCW 35.87A. This policy establishes a clear, consistent, and equitable framework for the formation, administration, governance, modification, renewal, and disestablishment of BIAs within Bellevue. The policy is intended to provide transparency and predictability for property owners, businesses, multifamily and mixed-use developments, nonprofit organizations, and other stakeholders participating in or affected by a BIA.

This framework is designed to ensure that BIAs are established and managed in a manner that advances district vitality, maintains accountability for assessed funds, and supports effective cooperation between the private sector and the City. When effectively structured, BIAs can help create vibrant, competitive, and well-managed districts that support businesses, attract visitors, encourage private investment, and improve the overall experience of residents, employees, and customers.

1.2 Statutory Authority

Parking and Business Improvement Areas are authorized under Washington law through Revised Code of Washington (RCW) Chapter 35.87A. This statute authorizes cities and towns to establish Special Assessment areas for the purpose of providing programs, services, and improvements that specially benefit businesses, properties, and mixed-use districts within defined geographic boundaries.

Nothing in this policy is intended to supersede applicable state law. In the event of a conflict between this policy and state statute, the requirements of RCW Chapter 35.87A and other applicable law shall govern.

1.3 Policy Objectives

Through this policy, the City seeks to:

- Provide a predictable process for BIA formation and review
- Promote fairness and proportionality in Special Assessments
- Ensure Special Assessments are tied to benefits received
- Clarify City, Advisory Board, and Operator roles
- Protect public accountability and sound financial management
- Support district vitality, economic resilience, and placemaking goals
- Establish clear standards for renewal, modification, and disestablishment

- Encourage broad stakeholder outreach and inclusive participation

1.4 Definitions

- **Advisory Board:** The Ratepayer Advisory Board established for a BIA to provide oversight, recommendations, and stakeholder input regarding BIA programs, budgets, and operations.
- **Annual Report:** A report submitted to the City on an annual basis that documents BIA activities, financial performance, service delivery, and progress toward the approved work plan for the prior year.
- **Annual Work Plan:** An annual document outlining proposed programs, services, priorities, and budget for a BIA.
- **Assessment Methodology:** The formula or approach used to calculate Special Assessments for Ratepayers, including the basis for determining proportional benefit.
- **Business Improvement Area (BIA):** A Special Assessment district established pursuant to RCW Chapter 35.87A to fund programs, services, and improvements that benefit businesses and properties within a defined geographic area.
- **City-Provided Services Memo:** An area-specific memorandum outlining standard City-provided services within the proposed BIA boundaries. This is provided by the City upon request by the proponent.
- **Legislative Authority:** The Bellevue City Council, which holds authority to establish, modify, renew, and disestablish BIAs and approve associated policies, budgets, and actions.
- **Operator:** An organization contracted by the City to administer BIA programs, services, and operations in accordance with an approved agreement.
- **Operator Contract:** The contract between the City and the Operator governing the administration of BIA programs, services, funds, and reporting requirements.
- **Ratepayer:** A business, property owner, tenant, or other entity subject to a Special Assessment within the BIA.
- **Ratepayer Classification:** A category of Ratepayers defined for purposes of applying Special Assessment methodologies based on property type, business use, or other relevant characteristics.
- **Special Assessment:** The charge levied on a Ratepayer within a BIA that is reasonably related to the benefit received and used to fund authorized programs, services, and improvements.

2. Formation and Establishment

This section establishes the process and requirements for the creation of a new BIA.

2.1 Initiation of a Proposal

The City will consider establishing or modifying a BIA either:

- through Council action initiated by the Bellevue City Council; or
- in response to an initiation by business owners, property owners, or other stakeholders within a proposed district boundary.

All proposals must demonstrate meaningful support across the affected Ratepayer classifications and consistency with this policy.

The City may assist proponents in understanding City policies, applicable legal requirements, and general best practices for BIA formation under RCW 35.87A. The City cannot, however, provide legal advice.

2.2 Required Steps Prior to Council Consideration

For non-City initiated BIAs, the City shall review submitted proposals prior to Council consideration to determine completeness, consistency with applicable law, policy alignment, and administrative readiness. The City may request supplemental information, revisions, or clarification as part of its review process.

Prior to Council consideration of a proposed BIA, proponents will complete the following steps:

1. **Ongoing coordination and readiness evaluation:** Business districts across the city engage with City staff regularly. Due to the high level of City coordination involved, districts should be in constant communication with City about readiness and interest in forming BIAs.
2. **City-Provided Services Memo:** When ready to develop a proposal, the proponent shall request the City-Provided Services Memo for the desired area.
3. **Proposal:** Proponents prepare a proposal and draft a petition, which includes all required items in the Bellevue BIA Checklist (see Exhibit A), except collection of petition signatures.
4. **City review:** The City will review submitted materials for readiness, completeness, and policy consistency.

5. **Petition:** After City review, proponents may circulate the petition for proposed Ratepayer signatures. Proponents will submit signatures and all required materials for validation.
6. **Validation:** The City will validate petition signatures to ensure the required threshold has been reached.
7. **Council approval:** The City will prepare legislation and schedule, notice the required public hearings, and advance Council actions. City Council will vote on formation of the proposed BIA.

2.3 Support & Outreach Requirements

Proponents shall demonstrate Ratepayer support for the establishment of a BIA. Under RCW 35.87A.010, petitions shall include signatures from Ratepayers representing at least sixty percent (60%) of the total proposed Special Assessment. In cases where a single entity accounts for more than twenty-five percent (25%) of the total assessment, proponents are encouraged to secure additional support (e.g., approximately sixty-five percent) to ensure balanced representation across the district.

Proponents shall conduct outreach in a manner intended to meaningfully reach all potential Ratepayers within the proposed boundaries. Prior to or during the petitioning process, proponents shall conduct a formal notification mailing to all potential Ratepayers. In addition, proponents shall hold at least one publicly accessible forum that provides appropriate translation, interpretation, and accessibility accommodations.

2.4 Boundary Standards

Proponents must demonstrate that all Ratepayers within the proposed BIA boundaries receive benefits reasonably related to their Special Assessments. The proposed boundaries must be supported by a clear benefit analysis that explains why included properties receive measurable value from the BIA's programs and services.

Boundaries should generally follow public rights-of-way such as streets and alleys. Mid-block or non-standard boundary lines may be used only when supported by a documented benefit rationale. Boundaries should not split buildings or structures, and because parcel lines are subject to change, street centerlines are the preferred delineation method. Noncontiguous boundaries are permissible under RCW 35.87A when supported by a clear explanation of benefits to each area.

When a property falls within overlapping BIAs, proponents must provide a distinct benefit rationale for each Special Assessment applied. All proposals must include accurate boundary maps—showing both current and proposed service areas—along with supporting benefit analyses sufficient for City review.

2.5 Programs and Services

BIA-funded programs and services are intended to supplement, not replace, services provided by the City. BIAs shall focus on activities that align with the allowable purposes outlined in RCW 35.87A.010(1), including:

- The acquisition, construction, or maintenance of parking facilities for the benefit of the area
- Decoration of any public place in the area
- Sponsorship or promotion of public events which are to take place on or in public places in the area
- Furnishing of music in any public place in the area
- Providing professional management, planning, and promotion for the area, including the management and promotion of retail trade activities in the area
- Providing maintenance and security for common, public areas
- Providing transportation services for the benefit of the area

Special Assessment funds may not be used for the following:

- Contributions to and endorsements of candidates for elected public office.
- Improvements to private property that do not benefit all Ratepayers.
- Advocacy on issues that do not benefit the area as a whole.

Proponents must provide a clear rationale demonstrating how proposed services support economic development, business district vitality, and/or neighborhood revitalization.

Prior to petition circulation, the City will prepare an area-specific memorandum outlining standard City-provided services within the proposed BIA boundaries. This memorandum will distinguish baseline municipal services—such as Parks, Transportation, Utilities, and other operational functions—from any proposed BIA-funded enhancements. Proponents shall use this documentation to ensure transparency, avoid service duplication, and communicate the added value of BIA-funded programs to Ratepayers.

2.6 Assessment Methodology and Ratepayers

Assessment formulas and rates must be reasonably related to the benefits received by each classification of Ratepayer, consistent with RCW 35.87A.080 and 35.87A.090.

Proponents shall provide supporting documentation for the proposed Special Assessment structure, including the data sources, methodology, and rationale used to demonstrate proportional benefit. Proponents are encouraged to consider the inclusion of an inflation or escalator factor to account for rising operating costs over time.

Common assessment methodologies include rates based on:

- Assessed or taxable value
- Square footage
- Flat fee
- Revenue or sales
- Linear frontage

Proponents should consider ease of administration and other factors when determining their preferred assessment methodology. Ratepayers may include both tenants and property owners. Proponents must clearly describe each Ratepayer Classification and demonstrate how the proposed assessment methodology correlates the Special Assessment to the benefits delivered.

Government entities are generally exempt from assessment unless otherwise authorized by law. Proponents are encouraged to consider differential assessment structures or classifications for certain property types or uses, including affordable housing providers, faith-based institutions, and nonprofit organizations, where appropriate and supported by a documented rationale. Any differential treatment must be clearly defined, consistently applied, and reasonably related to the benefit received.

2.7 Applicant Costs

Unless otherwise approved by the City, proponents are responsible for all pre-formation costs associated with developing a BIA proposal, including outreach, consultant services, legal review, and petition circulation.

Following formation, the Advisory Board may recommend reimbursement of reasonable and documented pre-formation costs from BIA revenues, subject to City approval and applicable law.

3. Governance and Oversight

This section establishes the governance structure, administrative framework, and oversight responsibilities applicable to BIAs within Bellevue. BIAs are intended to operate as accountable, transparent, and performance-driven partnerships that provide sustained benefit to assessed Ratepayers and the districts they serve.

3.1 City Council as Legislative Authority

The Bellevue City Council retains sole Legislative Authority over matters authorized by applicable law, including establishment, modification, renewal, and disestablishment of BIAs.

The City Council shall retain final authority regarding:

- Establishment of Advisory Board

- Use of Special Assessment revenues consistent with applicable law
- Approval of Annual Work Plan
- Review of Annual Report
- Authorization of contracts and agreements related to the Operator
- Renewal, amendment, or termination actions authorized by ordinance or state law

3.2 Organizational Term and Renewal

BIAs are established with the intent to operate as ongoing programs that provide sustained benefit to the assessed Ratepayers and district stakeholders they serve. To ensure accountability to Ratepayers, unless otherwise specified in the establishing ordinance, BIAs should be created for a defined term of ten (10) years.

Prior to expiration, a BIA may seek renewal through the petition process in accordance with applicable law and City policy.

3.3 Program Administration and Contracted Operator

Pursuant to RCW 35.87A.110, the City Council may contract with a qualified local business organization to administer BIA programs, services, and operations (the Operator).

In cases in which an Operator is selected, preference may be given to Bellevue-based nonprofit or locally experienced organizations with demonstrated experience in financial administration, service delivery, operations, stakeholder engagement, district management, economic development, and placemaking initiatives. Competitive solicitation is not required unless determined appropriate by the City based on program complexity, performance considerations, public interest, or other relevant factors.

The Operator shall operate under a written Operator Contract recommended by the Advisory Board and approved by the City Council. The Operator Contract shall establish at a minimum scope of services, performance standards, reporting requirements, budget and expenditure controls, insurance and risk management requirements, compliance with applicable laws and City policies, and provisions governing the term, renewal, and termination of the Operator Contract.

The Operator Contract shall not exceed five (5) years without review, renewal, or reauthorization by the City, and may be reviewed sooner at the sole discretion of the City. The Operator Contract shall require the Operator, with recommendation of the Advisory Board, to submit an Annual Work Plan and Annual Report.

3.4 Operator Roles and Responsibilities

If an Operator is selected for the BIA, it may have the following responsibilities, subject to the terms and requirements of the Operator Contract:

- Coordinate with the Advisory Board to develop a scope of services to meet the requirements of the Annual Work Plan
- Provide administrative support to the Advisory Board, subject to all City and state requirements
- Report periodically to the Advisory Board and the City Council on BIA performance

3.5 Advisory Board

Each BIA shall maintain an Advisory Board to support program oversight, Ratepayer involvement, and district accountability. The Advisory Board shall serve in an advisory capacity to the City Council, and shall support transparent communication between the Operator, Ratepayers, and the City. If a BIA Operator is selected, the Advisory Board shall generally be administered by the Operator; however, the City reserves the right to closely manage the Advisory Board.

The Advisory Board should reasonably reflect the diversity of Ratepayer Classifications within the BIA, including where applicable: small and large Ratepayers, geographic representation within the district, and business type and industry mix. The City shall appoint an *ex officio* board member to sit on the Advisory Board and serve as a City liaison.

Advisory Board Members shall be appointed by the City Manager.

3.6 Advisory Board Roles and Responsibilities

The Advisory Board shall be responsible for the following functions:

- Adopting and maintaining bylaws and governance procedures
- Advising and providing oversight to the Operator
- In coordination with the Operator, developing, reviewing, and recommending the Annual Work Plan for City Council review and approval
- In coordination with the Operator, reviewing, submitting, and presenting the Annual Report to the City Council for comment and review
- Supporting communication, outreach, and engagement with Ratepayers including addressing questions and concerns
- Sponsor an annual Ratepayers' meeting to present the Annual Work Plan and recommendation

- Recommending strategic adjustments to programs and services as district needs evolve

3.7 Public Meetings, Bylaws, Ethics, and Compliance

Advisory Boards are public bodies for purposes of the Washington Open Public Meetings Act (OPMA), RCW 42.30. Additionally, Advisory Boards are subject to the Washington State Public Records Act (PRA), RCW 42.56.

All Advisory Board meetings and members shall comply with applicable open meeting and public records requirements, notice standards, and public access obligations. All Board members must complete OPMA and PRA training and any other ethics, records or governance training required by state law or City Policy. Board members shall disclose conflicts of interest and comply with applicable ethics requirements. No Board member shall serve concurrently on the Ratepayer Advisory Board and the management body (i.e. board) of the Operator.

The Board shall be responsible for: adopting bylaws consistent with the City's BIA policies; adopting policy guidelines; recommending approval of budgets, expenditures, and programs; and providing advice and consultation to City staff and to the Operator.

4. Accountability and Performance

This section establishes requirements for performance monitoring, reporting, and ongoing accountability of BIAs.

4.1 Annual Reporting

Each year, the Operator, in coordination with the Advisory Board, shall submit to the City Council an Annual Work Plan and an Annual Report.

The Annual Report shall include:

- Summary of programs, services, and activities delivered
- Financial performance, including revenues and expenditures
- Progress towards work plan goals
- Projected services and financials for the coming year
- Documented review by the Advisory Board

The Annual Work Plan shall include:

- Proposed programs and services for the upcoming year
- Budget and expenditure plan
- Performance objectives and priorities

- Review and recommendation from the Advisory Board

Upon submission, the City Council shall review and approve the Annual Work Plan.

5. City Administration

This section defines the roles, responsibilities, and administrative framework for the management of BIAs.

5.1 City Department Roles

The City shall administer BIAs through coordinated support across relevant departments.

- **Community Development (Lead Department):** Serves as the primary point of contact for BIA policy, program administration, and coordination. Responsibilities include proposal support, contract management, reporting oversight, evaluation, renewal review, and life cycle management.
- **Finance & Asset Management:** Responsible for financial review and assessment administration including petition validation, assessment setup, billing, collection, financial monitoring, and audit support.
- **City Attorney's Office:** Provides legal review and guidance to ensure City's compliance with applicable laws and City policies, including review of ordinances, resolutions, petitions, assessment methodology, and governance structures.
- **City Clerk's Office:** Manages the legislative process, including scheduling public hearings, coordinating Council actions, and supporting public meeting requirements. In addition, provides guidance and standards for management of the Advisory Board.
- **Additional City Departments:** Other departments may be involved in development of the City-Provided Services Memo and coordination on service delivery at future points.

5.2 Assessment Administration

The City shall administer the billing, collection, and financial management of the Special Assessment in accordance with applicable law and City financial policies. Responsibilities include:

- Review of proposed assessment structures for reasonableness and administrative feasibility
- Billing and collection of Special Assessments
- Management of Special Assessment funds in designated City accounts
- Financial monitoring, reporting, and audit oversight, as applicable

Special Assessment funds shall be expended consistently with the establishing ordinance, Operator Contract, approved work plans, and other applicable agreements.

5.3 Collections and Delinquencies

The City shall manage the collection of the Special Assessment in accordance with applicable law and City policies governing accounts receivable and delinquent accounts.

A delinquent Special Assessment may be subject to collection actions, including referral to a collection agency or proceedings through the City Attorney's Office in limited circumstances.

The City may, at its discretion, provide administrative flexibility in the collection of the Special Assessment, including payment plans or other arrangements, in cases of demonstrated hardship or unique circumstances. Any such arrangements shall be consistent with applicable law and City financial policies and shall not alter the underlying assessment obligation.

5.4 Administrative Fee

The City shall collect an administration fee equal to five percent (5%) of all Special Assessment revenues to recover allowable administrative costs, including staff time, financial administration, compliance oversight, and program administration.

In addition, the City shall recover all direct costs incurred in meeting administrative requirements applicable to BIA revenues. These costs may include, but are not limited to, expenses associated with audits to comply with state regulatory and contractual obligations and third-party service providers contracted for required program activity. Such costs shall be billed to the BIA based on actual expenses incurred.

In cases of extenuating or unusual circumstances—such as increased administrative burden, legal requirements, or unanticipated resource needs, the City may recover an amount above five percent (5%), subject to documentation of the basis for additional cost recovery and approval through the City's established financial processes.

6. Modifications and Lifecycle Management

This section establishes the processes for modification, renewal, and disestablishment of BIAs.

6.1 Boundary Modifications

The City or an established BIA may propose modifications to BIA boundaries in accordance with RCW 35.87A.075 and RCW 35.87A.160.

- **Major Modifications:** Any boundary modification that results in a change to the current assessment of greater than ten percent (10%) requires a new petition

process consistent with initial formation requirements and a Council amendment of the establishing ordinance.

- **Minor Modifications:** Boundary adjustments that do not change the assessment beyond the ten percent (10%) threshold may be processed through administrative review and Council action, provided that the modification does not materially alter the distribution of benefits or Ratepayer Classifications.

All modification proposals shall include updated boundary maps, proportional benefit rationale, and an assessment analysis to support the City's evaluation and determination.

6.2 Rate Modifications

The City may modify assessment rates for an established BIA in accordance with RCW 35.87A.140.

- **Assessment Rate Changes:** Any change to the assessment rate or the addition of a new rate requires adoption of an ordinance following a public hearing before the City Council. Prior to the hearing, the Council must adopt a Resolution of Intention specifying the proposed change and providing at least fifteen (15) days' notice of the hearing date, time, and location.
- **Protest Threshold:** Proceedings to modify or increase assessment rates shall be terminated if businesses or multifamily residential or mixed-use properties within the BIA that would pay a majority of the proposed increase or additional assessment submit a valid protest.

All assessment modification proposals shall include an updated assessment analysis, description of proposed changes, and documentation supporting compliance with statutory notice and protest requirements.

6.3 Disestablishment

Disestablishment of a BIA shall follow the procedures outlined in RCW 35.87A.180 and RCW 35.87A.190.

All outstanding liabilities must be resolved before any remaining Special Assessment funds are allocated. Remaining funds shall be distributed according to RCW requirements, which may include:

- Transferring funds to a successor BIA serving substantially the same area
- Expending remaining funds for eligible purposes within the former boundaries
- Issuing proportional refunds or credits to Ratepayers
- Transferring funds to the City's General Fund where legally permissible

The City will seek input from Ratepayers and the Advisory Board in determining the appropriate method of fund disposition.

6.4 Sunset and Renewal

Each BIA shall include a codified sunset clause within its establishing ordinance. Unless a different schedule is determined at formation, or unless renewed, the BIA will automatically sunset after ten (10) years.

Prior to expiration, proponents may seek renewal through submission of:

- A new petition demonstrating continued Ratepayer support
- A comprehensive analysis of operations, services, and documented outcomes (such as baseline data, Ratepayer satisfaction, and district performance indicators)

Exhibit A — Required Materials and Checklist

For privately initiated Business Improvement Areas (BIAs), every item below must be provided to the City of Bellevue when requesting formation or modification of a BIA.

1. **Ongoing Coordination and Readiness Evaluation:** Business districts across the city engage with City staff regularly. Due to the high level of City coordination involved, districts should be in constant communication with City about readiness and interest in forming business improvement areas.
2. **City-Provided Services Memo:** When ready to develop a proposal, the proponent shall request the City-Provided Services Memo for the desired area
3. **Proposal:** Proponents prepare a proposal and draft a petition, which includes all required items in the Bellevue BIA Checklist except collection of petition signatures.

Items included in proposal for City approval

➤ 3.1 Boundaries

- How boundaries were selected, how services will be distributed, and reasoning for including or excluding parcels

➤ 3.2 Maps - Provide hard copy and electronic versions of the required map(s):

- If creating a new BIA:
 - One map showing all proposed boundaries, including any special benefit zones
- If modifying an existing BIA:
 - Map 1: Existing BIA boundaries with proposed additions clearly shown (e.g., dotted line)
 - Map 2: Proposed final boundaries if modification is approved
- Map preparation requirements:
 - Do not include labels or elements outside the map border (e.g., scale bars, north arrows).
 - Provide GIS data or editable files so staff can adjust map elements as needed.

➤ 3.3 Ratepayers & Stakeholders

- Total number of Ratepayers
- Identification of Ratepayer types (e.g., property owners, business owners, others)

- Description of district stakeholders and expected impacts

➤ **3.4 Assessment & Benefits**

- Total annual assessment amount
- Basis for the assessment formula
- Detailed explanation of the assessment methodology
- Explanation of Ratepayer classifications and how benefits relate to assessment levels
- Proposed BIA budget showing cost distribution by service category
- Explanation of benefits received by each classification

➤ **3.5 Outreach Plan**

- Summary of outreach up to this point
- Description of how Ratepayers have or will receive the petition materials, maps, and work plan including meetings, communications, mailed notices, translations, and stakeholder engagement
- Prior to or during the petitioning process, proponents shall conduct a formal notification mailing to all potential Ratepayers.
- Proponents shall hold at least one publicly accessible forum that provides appropriate translation, interpretation, and accessibility accommodations.

➤ **3.6 Draft Annual Work Plan**

- A proposed detailed work plan for the BIA's first year of operations
- A proposed first-year budget, aligned with the assessment revenue

4. **City review:** The City will review submitted materials for readiness, completeness, and policy consistency.
5. **Petition:** After City review, proponents may circulate the petition for proposed Ratepayer signatures. Proponents will submit signatures and all required materials for validation.

➤ **5.1 The petition packet must include:**

- A description of the boundaries of the proposed BIA
- A description of the proposed uses of Special Assessment funds and their estimated costs
- City-Provided Services Memo: an area-specific memorandum outlining standard City-provided services within the proposed BIA boundaries. This is provided by the City upon request by the proponent.

- The proposed assessment methodology, including breakdowns by Ratepayer class

➤ **5.2 Ratepayer List**

- Submit an electronic spreadsheet that includes, for each assessed property or business:
 - Whether the Ratepayer signed the petition
 - Parcel numbers, property addresses, land use type, and any other data necessary for calculating the assessment
 - The calculation and amount of each individual assessment
 - Names and mailing addresses of all Ratepayers

➤ **5.3 Outreach**

- Description of how Ratepayers received the petition materials, maps, and work plan
- Summary of all outreach efforts, including meetings, communications, mailed notices, translations, and stakeholder engagement
- Record of a formal notification mailing to all potential Ratepayers.
- Record of at least one publicly accessible forum that provides appropriate translation, interpretation, and accessibility accommodations.

➤ **5.4 Petition Signatures**

- All signed petitions representing at least 60% or more of the total proposed assessment amount

➤ **5.5 Annual Work Plan**

- A detailed work plan for the BIA's first year of operations
- A proposed first-year budget, aligned with the assessment revenue

6. **Validation:** The City will validate petition signatures to ensure the required threshold has been reached.
7. **Council approval:** The City will prepare legislation and schedule, notice the required public hearings, and advance Council actions. City Council will vote on formation of the proposed BIA.