

05. Institutional Organization & Funding

5.1 INTRODUCTION

The East Billings Urban Renewal Plan included a diagram reproduced here (Figure 5.1-1), depicting how projects benefiting from Tax Increment funds would be developed, reviewed, and acted upon. Although the City Council has ultimate authority, BIRD will retain a significant advisory role. The recommended redevelopment organization structure respects this process and further describes the interrelationships between the City Council, BIRD, the Downtown Alliance, and the shared management organization. BIRD members will make recommendations directly to City Council and will also have positions on the BID board to allow them to direct any BID funds collected in the district.

Organization and funding are crucial to the successful implementation of the EBURD Master Plan. Recognizing that strong and consistent leadership coupled with community engagement and support are central to revitalizing and sustaining successful downtowns, the property owners and the City have already taken steps to organize, prepare an urban renewal plan, create a TIF district and East Billings Urban Renewal District, and contract for management support with Downtown Billings Partnership. BSEDA has supported these efforts by successfully securing federal grants from EDA and EPA for planning and brownfield assessment. The City, land owners, and businesses have donated to the preparation of the EBURD Master Plan. As a result of a planning process that engaged a range of stakeholders, the urban design vision for the district is well formed

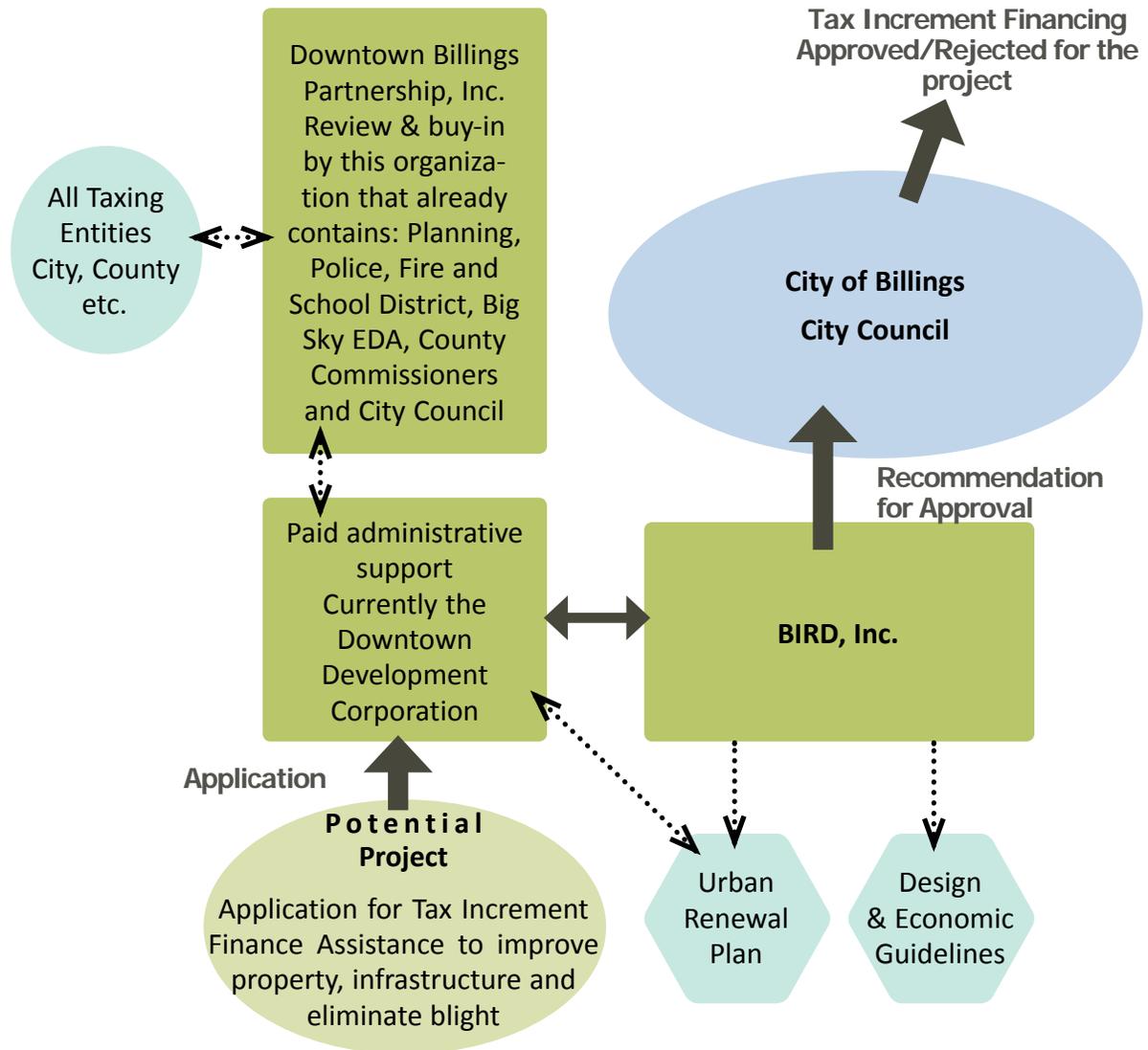


Figure 5.1-1 Decision Process for Tax Increment Funded Projects

and documented, and it is time to move forward with implementation and refinement. The organizational structure and funding sources and strategies are described in this chapter. A strong organization is needed to implement the core revitalization strategies illustrated in Figure 5.1-2 and described throughout this report.

5.2 EXISTING DOWNTOWN ADVOCACY & ECONOMIC DEVELOPMENT ORGANIZATIONS

BIRD, Inc.-Billings Industrial Revitalization District Incorporated

The BIRD, Inc is a 501C (6) organization comprised of a group of volunteer property owners within the EBURD district involved in the management of EBURD. As a non-profit membership organization, it has the ability to act as an organization to promote development. In this capacity, the active members have supported planning and creation of the urban renewal district and TIF district.

Big Sky EDA and Big Sky EDC

The mission of the Big Sky Economic Development Authority (EDA) and Big Sky Economic Development Corporation (EDC) is to facilitate the development of business that supports the greater Billings community and quality of life. BSEDA and EDC help grow, expand, and diversify the economy of the Billings region and Yellowstone County by offering business plan consulting, financial analysis, loan packaging, training, funding, marketing, tax incentives, business recruitment, retention, community re-development, grant seeking, project planning, marketing goods and services to the government, and manufacturing expertise.

Big Sky EDA, the public agency, evolved from the Montana TradePort Authority, launched in 1989 by the Yellowstone County Board of Commissioners. Big Sky EDC, the private business side, was started in 2002. EDC has 100 member investor companies involved in recruitment, retention, legislative issues, and finance.

Big Sky EDA and EDC Programs

BSEDA and BSEDC are committed to building a vibrant and healthy economy. They offer a range of programs that are briefly described below.

Business Recruitment

The organizations work to recruit businesses to Yellowstone County, Billings, and Downtown Billings.

Business Retention & Expansion (BEAR)

BSEDC works with regional banks to offer an array of financing incentives: SBA 504; revolving loan fund; Montana Board of Investment Infrastructure Loans; and more. Their job is to make it easier for the borrowers and the lenders to borrow and lend.

Small Business Development Center (SBDC)

The Small Business Development Center offers confidential one-on-one business consulting at no cost, and affordable management training. When businesses ask for assistance, they have access to a statewide network of ten centers, and over 1,200 national SBDC service centers.

Montana Procurement Technical Assistance Center (Montana PTAC)

Montana PTAC provided the bridge between government agencies and the Montana companies that want to sell their goods and services to the world's largest buyer. Montana PTAC helps to determine if government contracting is a good opportunity for a



Figure 5.1-2 Approach to Revitalization

business and shows businesses how to navigate the process. Services are provided confidential and at no charge.

Montana Manufacturing Extension Center (MMEC)

The MMEC is a statewide manufacturing outreach and assistance center staffed by engineers with extensive experience in manufacturing who will assess business operations including plant layout, automation, equipment, assistance with ISO auditor training, product costing, marketing, and more.

Community Development (CD)

Sustaining a vibrant and healthy community is a major component of the organization work. The Community Development Department seeks funding on behalf of the County agencies and other nonprofit organizations,

administers grants, and facilitates certain projects that result from their efforts. Project focus includes health and public safety, emergency planning, a homeowner program, and fee for service grant writing for non-profits. Free monthly grant training workshops are offered.

Downtown Billings Partnership (DBP)

The Downtown Billings Partnership is a broad-based constituency organization made up of public entities including City, County, planning, police, fire, and school districts, all taxing authorities. The Partnership also includes interested professional and business owners within the downtown area. The Partnership board reviews applications for TIF funds and designs relative to potential projects in the central district (the Core, as defined in the Billings Framework Plan). The role of this group is advisory, with City Council having ultimate authority regarding use of TIF funds. DBP and the Downtown Billings Association (DBA) share offices and administrative and management staff.

The Partnership was established as an outcome of the Downtown Billings Framework Plan, largely funded by a TIF district that expired in 2008. A new TIF district was approved by City Council in 2009. This district is not generating revenue yet. The DBP has continued to be funded by reserves from the initial TIF district, DBA, and Business Improvement District (BID) funds.

DBP will be launching the Certified Crime Prevention Business Program. The purpose of the program is to prevent participating businesses from being victimized. This is accomplished by raising awareness and knowledge through written policies and training, implementing recommended security applications, and by increased communication and cooperation between businesses themselves, and between the business community and the Police Department.

The Downtown Billings Association (DBA)

DBA is a private not-for-profit entity with more than 20 years of experience of leading the way for positive change and growth for retailers, professionals, residents, visitors, and friends of downtown Billings. The Association accomplishes much by its volunteer-driven Board of Directors and supportive membership, but also has a dedicated staff who works daily to advocate and represent business interests, and cultivate economic vitality for downtown Billings.

The focus of the DBA, as a member-driven organization, is to provide leadership in the promotion, advocacy, and support of downtown Billings as the vital center of our community. DBA sponsors a number of downtown events including Strawberry Festival, Alive After Five, Night at the Mustangs, Harvest Festival, Holiday Parade, Christmas Stroll, and After 5 Mixer. Additionally, DBA manages fundamental programs like Park and Shop, the Downtown Billings Gift Card, and the Downtown Directory. DBA has recently introduced the Downtown Recycling Program. The DBA is funded largely through donations and memberships, receiving some operating revenue from the many activities and events.

Downtown Billings Alliance

The Downtown Billings Alliance, which is comprised of the Downtown Billings Association, the Downtown Billings Partnership, and the Business Improvement District, is the leader in strengthening our downtown community, by addressing revitalization, clean and safe program, urban growth, culture, infrastructure, outreach, entertainment, branding, beautification, urban housing, real estate, innovation, parking, retention and recruitment.

Billings Cultural Partners (BCP)

BCP was formed in 1997 through the grassroots efforts of local residents who wanted to express unique aspects of local heritage and culture in ways that recognize their economic and cultural importance to Billings. Since then, BCP has helped to define Billings' unique character and appeal. Comprised of 25 nonprofit arts, historical organizations, and local government representatives, BCP serves as a collaborative vehicle to address cooperation and funding opportunities, thus improving access to arts and culture, supporting art educational opportunities. The new Billings Cultural Partners' website boasts Billings' most comprehensive cultural and entertainment calendar.

The Billings Chamber of Commerce/ Convention and Visitors Bureau

The mission of this organization is to develop a strong business climate and vibrant economy by serving the community in a leadership role, thereby enhancing the quality of life. The Billings Chamber of Commerce/Convention and Visitors Bureau works within the city limits and primarily focuses on tourism and retail-related attraction. The organization helps to create and promote an environment where businesses can flourish through networking, government affairs, advertising, and events.

Business Improvement District (BID)

The Billings Business Improvement District (BID) is dedicated to improving the cleanliness, appearance, and perception of safety in downtown Billings to further enhance and make Billings a vibrant destination for visitors, residents, owners, employees, and students. BID is a public – private partnership in which businesses in a defined area elect to pay an additional tax to fund improvements to the district's public realm and trading

environment. The BID is operated by the Downtown Billings Association and a BID Board of Directors.

Within the existing downtown BID, two benefit districts exist and a third is proposed. A business improvement district is a reasonable and recommended means to fund administrative support to the EBURD District. BIRD could create their own BID or choose to be included within the existing district. The latter alternative would be less costly, less administratively intensive, and would allow BIRD to capitalize on the institutional knowledge and experience of the existing BID.

Once EBURD is included in the BID, property and business owners could choose to establish the TIF district as a new zone, and voluntarily assess themselves. Money collected in a specific zone must be spent in the zone where it is collected. Property owners in the EBURD District could choose the level of assessment and through representation on the BID board, direct expenditure of the funds.

BIDs are geographically defined districts that have one or more assessment zone in which property owners vote to impose self-taxes or assessments. Property owners in the benefit zones choose the additional services they want to invest in. Once a measure is enacted, all members of the BID, or tenants, are obliged to contribute. Like a property tax, assessment is levied on the commercial property owners who can, if the property lease allows, pass it on to their tenants. A challenge in downtown Billings is the amount of land owned by the railroad and their historic disinterest in participating.

5.3 BUILDING ORGANIZATIONAL CAPACITY

History

Strong downtown organizations manage programs, events and promotions, projects, and economic development activities. A paid director helps to keep consistent focus and timely responses to emerging opportunities. Support from a broad base of volunteers and alliances with related organizations expands capacity. Historically, DBP and the DBA, with support from the more recently formed Downtown Alliance and Cultural Partners, have led the downtown redevelopment efforts. The City and BSEDA have made substantial contributions to overall revitalization and hold positions on the DBP board.

Staffing

Ideally, the EBURD District would have a full-time dedicated director and staff support to recruit, promote, and manage the district. BIRD currently contracts for TIF district management functions with the existing Downtown Billings Association. Although some concern has been expressed about the lack of autonomy or potential conflict of interest of being closely aligned with the Downtown Alliance, ultimately a majority of BIRD board members have agreed to contract for management services through the Downtown Partnership. This has the advantage of shared administrative and overhead costs, access to institutional knowledge, ability to capitalize on established relationships and partnerships with community and governmental stakeholders, and providing a single downtown organization.

Organizational Structure

Figures 5.3-1 and 5.3-2 illustrate a Recommended Redevelopment Organization Structure and an Alternative Redevelopment Organization Structure. The diagrams show the relationship of BIRD and other downtown organizations to City Council as well as each organization's role in relationship to TIF and BID funds. Although the downtown organizations provide recommendations, City Council has the ultimate authority for decisions related to TIF district funds. It is important to note there are two TIF districts, and funds from each must be spent in the district they are generated in. Unlike TIF funds, the expenditure of BID funds is directed by the BID board members who are property owners.

Both alternatives were reviewed during the planning process, with a general consensus that the more integrated structure with shared management is recommended.

Formation of an EBURD Development Partnership comprised of BIRD, Big Sky EDA-EDC, the DBP, and the City is recommended. Table 5.3-1 illustrates the range of tasks this entity would undertake. Roles and responsibilities as discussed to date are illustrated. "Lead" indicates a leadership role and in most cases decision-making authority. "Advise" indicates member groups who are in an advisory role, "Support" indicates advisory and technical support, and "Staff Support" suggests a retainer agreement between BIRD and an entity.

Organizational Funding

With City Council approval, TIF district funds may be used to fund district management; however, the district is not expected to generate enough funding in the near term to make this a viable option. Furthermore, it is

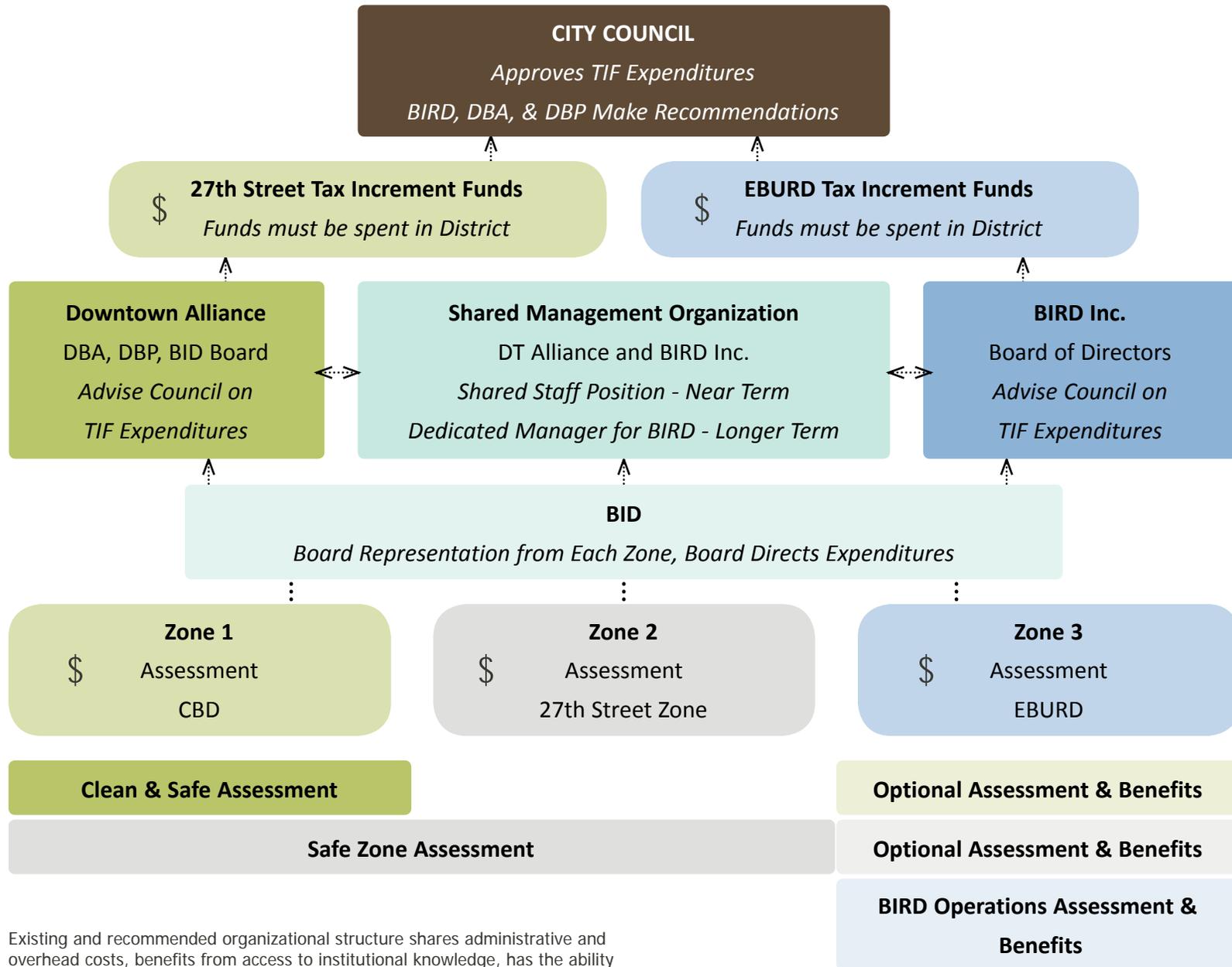
LEGEND
 L = Lead
 S = Support
 SS = Staff Support
 A = Advise
 NA = Not Applicable

| | TIFD Statutory Authority | TIF or Regulatory Incentives for Job Creation | Federal Funding Acquisition-Grant, Appropriations | Land Use Regulation Authority | Marketing & Branding | Recruit Reinvestment | Direct BID Revenue | Grant Applications and Administration | Security Services | Maintenance | State Transportation Funding | Federal, State & County Finance & Tax Incentives | Manage & Develop Budget of Annual EBURD Work Plan | Quick Response Team | Staff BIRD Meetings | Legislative Issues and Finance |
|-------------------------------------|----------------------------------|---|---|-------------------------------|----------------------|----------------------|--------------------|---------------------------------------|-------------------|-------------|------------------------------|--|---|---------------------|---------------------|--------------------------------|
| EBURD DEVELOPMENT CONSORTIUM | REVITALIZATION ACTIVITIES | | | | | | | | | | | | | | | |
| BIRD | A | A | A | A | L | L | A | S/L | A | A | A | S | L | A | L | A |
| BSEDA | A | L | L | A | A | S | NA | L/S | A | A | S | S | A/S | S | A | S |
| BSEDC | A | A | S | NA | A | L | NA | S | A | A | A | L | A/S | L | NA | S |
| CITY | L | L | SS | L | A | SS | NA | L/S | L | L | L | S | NA | S | NA | NA |
| BID Bd. w/ District Representatives | NA | NA | NA | NA | L | NA | L | NA | S* | S/L* | NA | NA | NA | A | NA | NA |
| DBP | A | A | A | A | SS | SS | SS | S | S* | SS | A | S | SS | S | SS | L |

Table 5.3-1 EBURD Development Consortium

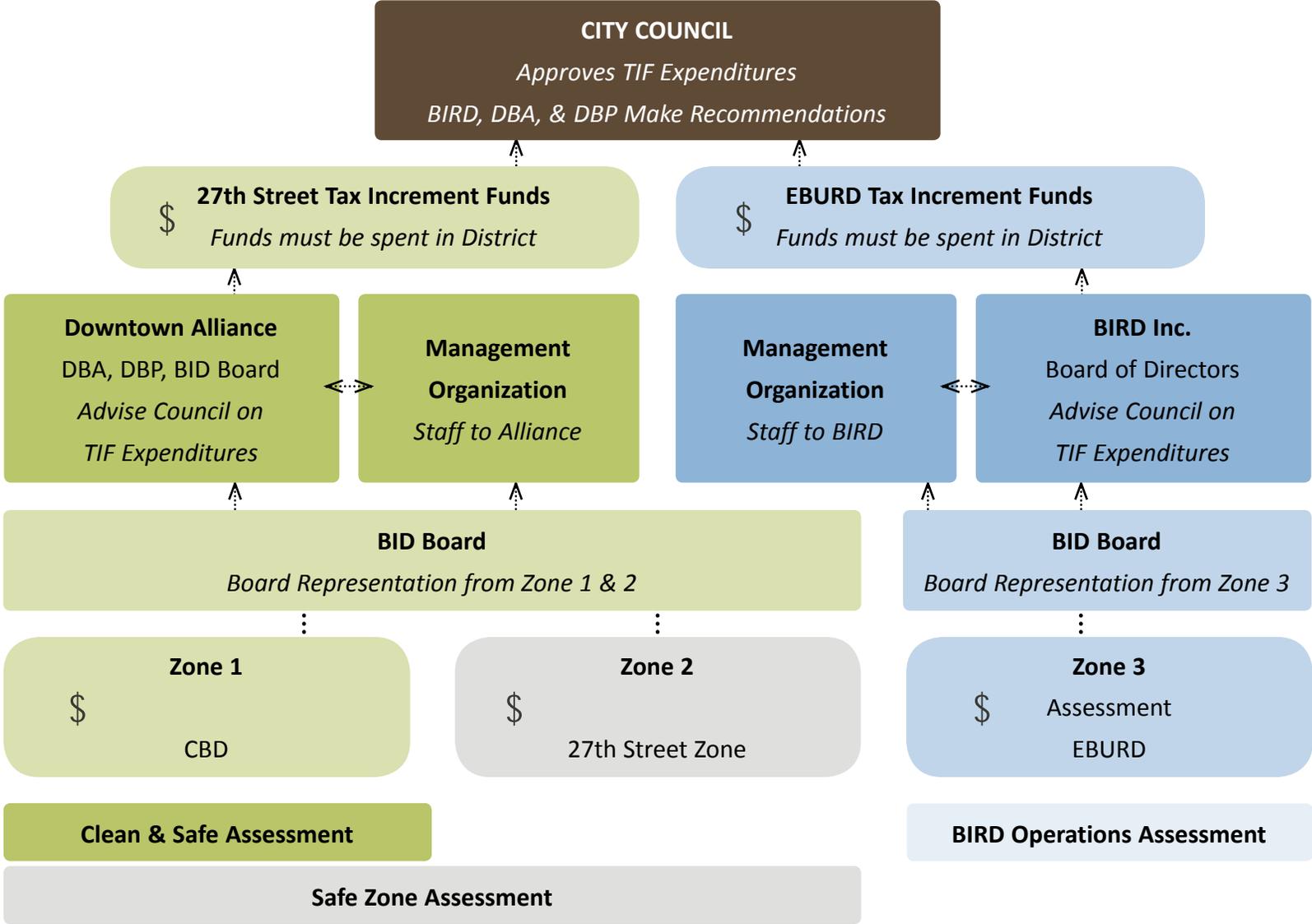
Note: this diagram is intended to provide guidance and facilitate discussions between participating entities. Tasks and responsibilities represent a range of activities associated with revitalization effort and reasonable allocation of roles and responsibilities based on the mission of various organizations, roles to date, and ideas expressed during the planning process.

Figure 5.3-1 Existing & Recommended EBURD Redevelopment Organizational Structure



Existing and recommended organizational structure shares administrative and overhead costs, benefits from access to institutional knowledge, has the ability to capitalize on established relationships and partnerships with community and governmental stakeholders, and provides a single organization.

Figure 5.3-2 Alternative EBURD Redevelopment Organizational Structure



Alternative organizational structure may provide more autonomy for BIRD, Inc. with added administration and operational costs and without the advantage of shared staff, organizational capacity or benefits of established relationships, partnerships and a single organization.

anticipated that much of the TIF district funds will be used to meet infrastructure needs and as incentives to reinvestment and development of the district.

5.4 IMPLEMENTATION FUNDING

Introduction

Public funds will be needed in the study area to help pay for the cost of upgrading and improving infrastructure, such as water, sewer, stormwater, and street facilities. With the exception of the infrastructure needs identified in Chapter 2, specific projects and their costs have not yet been identified. Infrastructure in EBURD is inadequate, and a significant amount of funds will need to be spent to make physical improvements that will stimulate redevelopment over the next 15 years. The City's Capital Improvement Plan (Public Works, Roads and Storm Sewer, Water and Waste Water sections) does not include significant expenditures for infrastructure within EBURD in the near term (5 years). These improvements may be funded primarily with tax revenues generated in the district and financed with Tax Increment Financing. Historically, the City has relied on property owner approved special assessment (SID) matched with grants, TIF district funds, and maintenance funds.

Tax Increment Funds

EBURD TIF District

The EBURD TIF district was established in 2006, at which time the City and Big Sky EDA created an Urban Renewal Plan for the district. Tamerica developed an economic analysis, evaluated the TIF district, and concluded that EBURD would likely experience private investment similar to that seen in the downtown TIF district and assumed that EBURD would attract new

housing, retail, office, and entertainment uses. With City Council approval, TIF district funds may be used to fund district management; however, the district is not expected to generate enough funding in the near term to make this a viable option. Furthermore, it is anticipated that much of the TIF district funds will be used to meet infrastructure needs and as incentives to reinvestment and development of the district.

Tax-increment financing is the primary funding tool used within tax-increment financing districts (TIF districts). The tax-increment revenue is generated within a TIF district when a designated area is established and the normal property taxes within that area are frozen (often called the frozen base). Any new taxes generated within that area, through either property appreciation or new taxable development, become the increment. Taxing jurisdictions continue to collect tax income from the frozen base but agree to release assessed value above the frozen base into the TIF district. The TIF district can then issue bonds to pay for identified public improvements and/or investments in private projects that are in the public interest. The tax increment is used to pay off the bonds.

Appendix A, Economics, Market Forces, and Funding, describes in detail how tax increment financing works and illustrates how much tax increment would be generated per \$1 million in new investment (along with bonding capability). It then compares the estimated increment with our previous estimates of the type and amount of new development can be reasonably expected in the EBURD over the next 10 years.

In summary, if tax increment revenues are pledged as payments against a bonded obligation, then every \$1 million dollars of new (increment) value in the EBURD would give it the ability to spend about \$125,000. In other words, divide the increased property value from new development by 8 to get a quick, rough estimate

of how much new money EBURD will have to work with as a result of that new development. In addition, as the EBURD grows and improves, the value of other properties will increase even if they have no improvements (the "rising tide" effect).

The purpose of urban renewal is to capture and invest tax dollars within an area to stimulate redevelopment in that area. Strategic investments in infrastructure typically help to stimulate redevelopment. The following points should be considered as the City and stakeholders prioritize what projects receive limited tax increment within the neighborhood:

- There are about \$6.8 million in infrastructure costs identified in City plans that the City is not planning to fund through traditional means (e.g., through its Capital Improvement Plan). [This is likely more than \$6.8 million and will be needed to pay for other infrastructure improvements not included in that estimate: streetscape upgrades, bicycle lanes, sidewalks, planter strips, "green" amenities (swales) trail connections etc.]
- The EBURD needs about \$40 million in new development to have increment to support the bonding of \$5 million of infrastructure improvements. Using estimated capture rates, that amount of development might happen in 4 – 8 years. The federal courthouse offices alone could be a \$20 million project, which, if done as a private development and lease-back, would be taxable value and would generate tax increment revenue. Clearly, other sources of funding are needed to accelerate revitalization efforts.

- First Interstate Bank is the only project in EBURD so far and will generate \$1 to \$2 million in increment, of which up to 45% could be granted to that site, leaving less available for other projects in the EBURD to stimulate redevelopment.

SID—Special Improvement and Maintenance Districts

Special Improvement Districts (SIDs) are property owner approved property tax assessment funded with bonds and paid back over 15 to 20 years. Most of the SID assessments in Billings have been on a square foot basis. SID-Special improvement and Maintenance Districts have been used extensively in Billings. The City and the property owners should be encouraged to invest in infrastructure improvements. Many of the improvements in the CBD have been accomplished with a combination of CMAQ, CTEP, and CDBG grants (described below), matched with funds from City utility and storm drainage and maintenance funds and SID voluntary property owner tax assessments. Investment will help to retain businesses, attract new businesses, retain property values, and thereby increase the increment available to reinvest.

Developer Pay-in-lieu Program

The establishment of a pay-in-lieu program would provide maximum flexibility as to the timing and location of the improvements. All new developments within the neighborhood would be required to pay into the program for all required improvements along the length of street frontage they seek to develop. The City of Billings would then be responsible for making the improvements and deciding the appropriate timing of implementation. In cases where a developer seeks to develop an entire block or other

significant portion of street frontage, the City could require the developer to make all required street improvements at the time of development.

Other Funding Sources

The list of funding sources below can be used in addition to TIF, SIDs, and City funds and traditional private equity for developing and maintaining the area inside the EBURD. While most of these programs would be in addition to TIF, those that offer property tax abatement can work against TIF collection for limited time periods.

- Park maintenance assessments are used in the City of Billing to fund ongoing maintenance of landscape and streetscape improvements.
- Sole source systems development charges/ impact fees (keeping impact fees collected from an area in that area for infrastructure).
- HUD Section 108 loans (borrowing against future Community Development Block Grant allocations for low-interest loans to stimulate economic development projects such as office buildings).
- Parking revenue bonds (can be taxable or tax exempt and used for public parking garages where fees can be charged to service debt).
- 63-20 non-profit bonds (for a range of non-profit improvements, freestanding or mixed-use, including educational buildings, parking structures, and recreational facilities; projects must be able to service debt).
- State grants (infrastructure/transportation systems) Montana Department of Transportation (MDT) administers Community Transportation Enhancement Program (CTEP) grants. Funds are passed to the planning department and applications reviewed annually or bi-annually. Applications must be sponsored by a public entity.
- CMAQ-Congestion Mitigation Air Quality Funds are administered by MDT. These funds have in the past been used for street and streetscape improvements in the CBD.
- Federal grants (primarily for infrastructure/ transportation systems such as streetcar, possibly the treatment plant).
- American Recovery and Reinvestment Act federal stimulus money.
- Low-income housing tax credits (for affordable housing).
- Historic tax credits (if there are potentially eligible buildings such as older warehouses that can be converted, etc.).
- New market tax credits (if this is an eligible census tract).
- HUD 221(d)(4) housing finance guarantee program (offer guarantees by the federal government that enable up to 90% financing for market rate apartments that meet HUD standards).
- Energy tax credits (energy-efficient commercial, mixed-use projects and some utilities) (as applicable for and available in Montana, based on future research).

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- Home-owner fees (provided by property owners for the maintenance of public spaces).
- Past Downtown Partnership Programs, funded with TIF and City funds, have included professional technical assistance bank, low interest revolving loan funds, and small grants for façade improvements.
- Grant sources for larger capital projects have included Community Development Block Grants, EDA grants, transportation enhancement grants matched by SID-voluntary property owner City utility enterprise, and maintenance funds.
- Refer to the Parks 2020 Comprehensive Park Recreation and Open Space Plan Appendices for a list of land acquisition and funding strategies.

5.5 NEXT STEPS – ACTION PLAN

Actions required relative to the organizational development and decision-making described in this chapter are summarized in the following matrix (Table 5.5-1). The recommended actions needed to implement the programs and policies are described in Chapter 7. In combination, these matrices provide a solid basis for a 3-year implementation work plan.

Table 5.5-1 Organizational Work Plan

| ORGANIZATIONAL DEVELOPMENT | | 2009 | 2010 | 2011 | 2012 |
|----------------------------|---|------|------|------|------|
| 1.1 | Clarify BIRD, City, and BSEDA Priorities | | | | |
| 1.2 | Establish EBURD Development Consortium and Clarify Roles & Responsibilities | | | | |
| 1.3 | Formalize Downtown Organizational Structure Operational Procedures | | | | |
| 1.4 | Develop BIRD 1, 3 and 5 year Operations Budget & Funding | | | | |
| 1.5 | BID evaluation - promotion and creation | | | | |
| 1.6 | Maximize participation of BIRD member in committees | | | | |
| | Identify all opportunities / committees for BIRD participation | | | | |
| | DBA, BSEDA, DBP, City Boards & Commissions | | | | |
| | Recruit participation and membership | | | | |
| 1.7 | Strengthen and/or Form Partnerships | | | | |
| | Existing Property Owners & Businesses | | | | |
| | Local Government-City & County | | | | |
| | Banks | | | | |
| | Department of Transportation | | | | |
| | Housing Authority | | | | |
| | Colleges, Universities, School District, Head Start | | | | |
| | Local Developers | | | | |
| | MetraPark | | | | |
| | Major Industries- Rail, Refineries, Recycling | | | | |
| 1.8 | Design/Develop/Promote Planning Funding & Technical Assistance Programs | | | | |
| | Facade & Streetscape Improvements Grants | | | | |
| | Revolving Loan Funds | | | | |