TOWN OF APPLE VALLEY, CALIFORNIA

AGENDA MATTER

Subject Item:

REVIEW AND CONSIDER RENEWAL OF THE AGREEMENT FOR BUSINESS RETENTION SERVICES WITH THE APPLE VALLEY CHAMBER OF COMMERCE

Summary Statement:

This matter was placed on the Council agenda at the request of Mayor Pro Tem Sagona, such request being made at the Council's June 8, 2010 meeting. The Town has a business retention professional services agreement with the Apple Valley Chamber of Commerce. The current agreement expires on June 30, 2010, but funds have been budgeted for this purpose in the adopted FY 2010/2011 Redevelopment Agency budget. On June 22, 2010, the Town Council requested that this item be placed on the July 13, 2010 Council agenda. At this time it is appropriate that the Council consider renewal of its business retention agreement with the Chamber. Based upon the foregoing, staff recommends adoption of the form motion.

A copy of the current professional services agreement is attached for your review and information. The Chamber has also provided the following documents for your information: Cover Letter, 2009 Year End Report, 2009 Year End Review, 2010 - 2011 Summary of Goals, 2010 - 2011 Proposed Budget, and a Report on Political Action Committee. In addition, the Chamber proposes to increase the amount of funding for 2010 - 2011 from \$34,500 to \$36,600, based on the formula outlined in Exhibit "A" of the agreement.

Recommendation:

That the Town Council approve the renewal of the business retention professional services agreement between the Town and the Apple Valley Chamber of Commerce for the period July 1, 2010 through June 30, 2010, and authorize the Town Manager to execute the agreement on behalf of the Town.

Proposed by: Economic and Community Devel	opment Department Item Number	
Town Manager Approval:	Budgeted Item ⊠ Yes ☐ No ☐ N	//

Agreement for Business Retention Services

THIS AGREEMENT, effective 7008 is entered into by and between the Town of Apple Valley, a municipal corporation (hereinafter referred to as "The Town") and the Apple Valley Chamber of Commerce, anon-profit corporation (hereinafter referred to as "Chamber).

WITNESSETH:

WHEREAS, The Town desires to promote its advantages as a business, retail, commercial, recreational and residential center, disseminating information relative thereto, and to properly follow up and give consideration to inquiries made from time to time relative to the various activities of the Town and its opportunities; and

WHEREAS, The Town desires Chamber to perform certain promotional and other services for The Town, which The Town believes will be of great advantage and benefit to The Town, and to the citizens, residents, property owners, and taxpayers thereof, and will promote the general welfare; and

WHEREAS, Chamber represents it is organized for such promotional activities on behalf of The Town, and is in a position to accomplish such aims and purposes of The Town in an efficient and economical manner; and

WHEREAS, Section 37110 of the Government Code of the State of California authorizes the expenditure of public funds by a municipal corporation for advertising or publicity as therein and herein provided;

NOW, THEREFORE, in consideration of the covenants and promises hereinafter set forth, the parties hereto hereby agree as follows:

- That the foregoing recitals are true and correct and constitute statements of fact herein upon which the parties rely and are incorporated herein by this reference.
 - 2. Chamber shall carry on promotional activities as follows:
- a. Maintain an office available to the public to be identified by suitable sign that will be readily identifiable by members of the public, and provide information to visitors, tourists, businesses, commercial interests, professional people and residents. A staff member or members of Chamber will be available daily during regular office hours by the Town, Monday through Friday. If additional office hours are required, The Town agrees to pay separately for those hours, and for the reasonable cost for such hours, and upon such terms and hours as are agreed to by the parties.
- Employ competent personnel to carry on promotional activities herein enumerated.

- c. Answer promptly all correspondence to the Chamber and as may be referred to the Chamber by the Town relative to the business, industrial, residential, educational, cultural and recreational advantages and opportunities in The Town and disseminate information by correspondence, newspaper publicity and personal contacts, favorably advertising such advantages and opportunities.
- d. Prepare articles and news releases and stories, compile data, gather and assemble news items, photographs, literature and demographic and historical articles descriptive of The Town's resources, and develop proper surveys whereby outside interests and individuals may be induced to locate in the Town, in reliance on and based upon the Town's General Plan or specific Council direction.
- e. Supply maps and promotional literature about The Town and maintain files on economic conditions, commercial and industrial sites, tourist information and general business information about the community. Chamber will be responsible for updating published information included in Chamber literature, although The Town agrees to cooperate with Chamber in sharing information. These materials will be available to visitors, tourists and potential commercial interest who are seeking information.
- f. Aid in promoting the development and use of unoccupied and vacant properties.
- g. Interview business and industrial executives with the view of urging the establishment of their business activities in The Town, in reliance on and based upon the Town's General Plan or specific Council direction.
- h. Promote and invite trade and business meetings, celebrations and conferences whereby outside interests and individuals may become acquainted with the advantages and opportunities in The Town.
- i. Carry on such other duties as may be requested by The Town to promote the business, industrial and residential development of the Town.
- 3. Chamber shall furnish semi-annual reports of its promotional activities to The Town, which shall consist of the activities scheduled for the next six succeeding months and a review of the activities accomplished during the preceding six months. Said reports shall include a detailed breakdown of all amounts expended and expected to be expended by Chamber for said activities.
- 4. Chamber will submit to The Town a budget request and program for each fiscal year (July to June 30) in the manner, at the time, and in the form requested the Town Manager. The amount of the budget request shall be based upon a formula approved by the Town Council, attached to this agreement as Exhibit "A", and as amended at the discretion of and by Resolution of the Council from time to time. The amount shall be allocated as follows: one-half shall be paid in advance in July (or immediately after the Town's annual budget is adopted, whichever is later) and the balance due in January of the same fiscal year.

- 5. This Agreement shall become effective on the date of execution hereof by both parties, and shall continue in effect until June 30, 2009; provided, however, that this Agreement will be renewed each fiscal year thereafter, for periods of one year, commencing July 1 through June 30 of the succeeding year, upon action of the Town Council budgeting funds as provided in Paragraph 4 hereof, and upon Chamber's written acceptance of said final budget allocation.
- The Town reserves the right to award separate bids for more specific advertising and promotional projects approved the Town Council during the term of this Agreement.
- 7. In the event, in the opinion of the majority of the Town Council, Chamber is not functioning effectively, The Town may give Chamber notice of this fact, specifying in detail the alleged default(s) or problem(s), and Chamber must forthwith correct said default(s) or problem(s) within [30] days; this Agreement may be terminated by action of the majority of the Town Council if the Town Council in its discretion determines the alleged default(s) or problem(s) has (have) not been effectively corrected.
- 8. This agreement may be amended signed by both parties, with the exception of the procedure outlined in Paragraph 4. Failure on the part of either party to enforce any provision of this Agreement shall be construed as a waiver of the right to compel enforcement of such provision or provisions at that time, but shall not be construed as a waiver to enforce such provision or provisions with respect to future occurrences; if the parties intend thereby to modify any provisions for future purposes, that modification should be made by said written amendment thereto.
- It is understood that the contractual relationship of Chamber to The Town is that of independent contractor.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate on the date indicated below.

By: Janice Mose Date: 6/19/08
Chamber of Commerce

Timothy J. Jasper, Mayor Town of Apple Valley Date: 6-24-08

Exhibit "A"

Performance Based Formula for Calculating Annual Chamber of Commerce Fee

- A weighted average shall be used to calculate the annual fee. The fee will be calculated as follows:
 - a. Ten percent (10%) of the prior year's business license fee receipts; plus
 - b. Six and one-half percent (6.5%) of the prior year's Transient Occupancy Tax (Bed Tax) receipts; plus
 - c. One quarter percent (0.25%) of the prior year's sales tax receipts.
- the first semi-annual installment due in July will be based upon the Town's latest estimates for the above three revenues; the second installment due in January will reflect the audited figures and may be more or less than the first installment, due to any variance between estimated and actual figures.
- 3. The annual fee will be rounded to the nearest hundred.
- The above formula may be amended by Resolution of the Apple Valley Town Council.
- The formula, outlined above, results in the sum of \$34,500 to be available to be paid to the Apple Valley Chamber of Commerce for Business Retention Services.

July 7, 2010

Town of Apple Valley 14955 Dale Evans Parkway Apple Valley, CA 92307

Dear Honorable Mayor Allan and Members of the Town Council,

We present to you our proposal from our Chamber of Commerce to perform Business Retention Services to businesses located within the Town of Apple Valley. Using proven strategies to help build business especially in a soft economy, the Chamber will utilize the media, local vendors, business leaders, and unique community partnerships.

Understanding the Council's focus on working with business owners in a soft economy you will be pleased to see a priority in our proposal that invests in technology for business owners at little or not cost to the local business. We have the capability to assist businesses in designing a web site within minutes, launch an e-commerce shopping program and quickly introduce social marketing techniques.

Additionally, the Chamber has launched two additional web sites: "HighDesertEconomy.com" and "HighDesertBusinessDirectory.com" to regionally promote the Town and all businesses located in the Town. Expanding our on air radio shows in 2010 – 2011 will include "All Things Business" on TALK 960 AM as well as continuing our "Profiles In Business" radio show which began in 2007.

Thank you for the invitation to submit this proposal to you on behalf of our business community. I look forward to our partnership and to providing these essential services to our Town.

Sincerely,

Janice H. Moore

CEO / President

Apple Valley Chamber of Commerce Year End Report to Council

	2009
New Members	52
Dropped Members	79
Membership Count	394
	001
Relocation Packets	113
Grand Openings	28
Ambassador Hours	1,909
Radio Hours	48 Hours
Radio Spots	1,352 spots
Classes	
CBS Radio "How To Grow Your Business In A Declining Market"	July
Leadership	20 people
Quick Books for Beginners	July
Business Owners Club - "Company Assessment"	July
Business Owners Club - "Strategic Analysis"	August
Business Owners Club - "Marketing, Communications & Target Marketing"	September
Business Owners Club - "Forecasting & Cash Flow"	September
Business Owners Club - "Human Resources & Time Management	October
Business Owner's Club - "Business Plan & Financing"	October
St. Mary Medical Center - "Health Care Reform"	August
American Red Cross - "10th Annual Economic Summit	September
Arbonne International - "Michael Clouse In the High Desert	September
CBS Radio "Business Building Seminar"	September
Capstone Consulting - Ben Elect Webinar	Jan-10
Small Business Financial Forum & Expo	February
Small Business Assistance Day	March
El Dorado Broadcasters - "How To Survive and Thrive"	May
San Joaquin Valley College Health Career Training	May
Capstone Consulting Educational Seminar	June

Apple Valley Chamber of Commerce Year End Report to Council (Continued)

Ribbon Cuttings / Ground Openings & Mixers	
UltraStar Cinemas All Chamber Mixer	July
Ultrastar media and Business Mixer	July
AV Chamber Quick Connect	July
DCUW "School Tools Supply Drive"	August
Desert Communities United Way Kick Off	August
Parkway Dental Group Community BBQ	September
Victor Valley College Eastside Public Safety Training	
Center Neighborhood Reception	September
AV Chamber Quick Connect	September
Ross Dress for Less Grand Opening	October
Walgreen's Grand Opening	October
Big Mike's Country Palace Grand Opening	October
Apple Valley Farmers Market Grand Opening	October
Dr. Mike's Family Practice Grand Opening	November
Don's Baseball Card Store Ribbon Cutting	December
JR's Catering Service Grand Opening	December
Best Choice Animal Clinic Ribbon Cutting	January 1, 2010
Desert Communities United Way Open House	January
San Joaquin Valley College Ribbon Cutting Open House	January
AV Chamber Quick Connect	January
Dollar Tree Ribbon Cutting	February
Round Table Pizza Mixer	February
Alaska USA Federal Credit Union Grand Opening	February
Azusa Pacific University High Desert Center Grand Opening	March
Dr. Mungcal - Choice Medical Group Ribbon Cutting	March
AV Chamber Quick Connect	March
Coldwell Banker Commercial Anniversary Celebration	April
Victorville Veteran's Assistance Clinic Open House	April
Handy Equipment Tool and Party Rentals Ribbon Cutting	April
Victor Valley Women's Club Afternoon Tea	April
Print Mart Joint Chamber Mixer	April
Dr. Hansen Choice Medical Group Grand Opening	April
Pipkin Dental Ribbon Cutting	April
Alaska USA Mortgage Company Open House	April
Town of Apple Valley Animal Shelter Grand Opening	May
Lee & Associates Mardi Gras in May Mixer	
	May
Athena Jean Salon & Day Spa Ribbon Cutting Victor Valley College Solar Power Plant Grand Opening	May
AV Chamber Quick Connect	May
	May
Physicians of Choice Medical Group Meet & Greet	May
High Desert Plastic Surgery Associates Ribbon Cutting	May
Spring Valley Lake Country Club Open House	June
Rock Springs Retirement Home BBQ	June
Don's Baseball Card Store Grand Opening	June

Apple Valley Chamber of Commerce Year End Report to Council (Continued)

Businesses and Organizations Using Chamber Facilities
Qual Valley Estates
PEO Women's Group
Apple Valley American Legion
Apple Valley American Legion Women's Auxillary
Desert Ranch Realty
Inland Empire Small Business Development Center
Bickford & Covington
St. Mary Medical Center
Century 21
AV Rotary Interact Club
Apple Valley Rotary Club
Victor Valley College
Desert Communities United Way
High Desert Republican Women
High Desert Resource Network
Apple Valley American Little League
High Desert Therapuetic Massage
Extreme Skin Rejuvenation
Exit Realty Blaine & Associates
Mitsubishi Cement Company
Victor Valley Women's Club
Axiom Media
The Heart Link Network Meeting
St. Mary Leadership Team
Healthy Apple Valley Classes
Professional Development - Janice Moore
Economic Development 101
Business Retention and Expanson
Economic Development Credit Analysis

Apple Valley Chamber of Commerce

2009 -2010 Business Retention Contract Year End Review

- Twelve Monthly Luncheons
- Apple Valley Leadership Connection Program
- Chairman Awards Dinner
- Citizen of the Year Program
- Ground Breakings and Grand Openings
- Quick Connect and Business Mixers
- Apple Valley Village
 - Custom website skin to match new marketing materials
 - o Record 30 minute radio show on Stardust 910 AM and 20 ads of promo
 - Associate Membership in two professional economic development organizations IEDC and CALED
- "All Things Business" Educational Series
- Scholarship to the AV Police Street Survival Training
- "Bringing Trigger Home to Apple Valley" FaceBook Site
- Apple Valley Leadership Connection Program
- Gathered signatures on petition for initiative to qualify on the November Ballot that "Prohibits State From Taking Funds Used for Transportation or Local Government Projects and Services"
- Professional Memberships in the International Economic Development Council (IEDC) and the California Association for Local Economic Development (CALED)
- Janice Moore, CEO attended professional development classes:
 - o Economic Development 101
 - o Economic Development Credit Analysis Course
 - Business Retention and Expansion
- Stardust 910 AM "Profiles In Business" Radio Show weekly
- Assisting the Apple Valley Country Club in promotions of weekly specials
- Presented Candidate Forum for 59th State Assembly Candidates
- Provide advocacy issues and education on vital issues to the Town
- Operate <u>www.yuccalomabridge.com</u> web site
- Constant Contact email blast service

Apple Valley Chamber of Commerce

2009 -2010 Business Retention Contract Year End Review

- High Desert Franchise Fair
- "All Things Business" Talk 960 AM Weekly Talk Show
- Stardust 910 AM "Profiles In Business" Weekly Radio Show
- High Desert Economy.com
- HighDesertOnLineBusinessDirectory.com
- "Triggers Corral" Fun Raiser at HAN Event
- Apple Valley Village Support
 - Continue Associate Memberships for Professional Development training in the IEDC and CALED
 - Offer free WebPac Websites to all businesses in the Village
- Participating in VVEDA's application for an Enterprise Zone designation for all industrial and commercial areas in Apple Valley
- Continue Professional Development Training for Certification in Economic Development

Apple Valley Chamber of Commerce

2010 -2011 Business Retention Contract

- High Desert Franchise Fair
- "All Things Business" Talk 960 AM Weekly Talk Show
- Stardust 910 AM "Profiles In Business" Weekly Radio Show
- High Desert Economy.com
- HighDesertOnLineBusinessDirectory.com
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Apple Va	lley Chamb	er of Cor	nmerce						
	roposal for			Year					
General	Revenues t	o be dete	rmined by	the T	own Finance	Director E	Based on P	revious Ye	ar Audit
Below is	a weighted	l average	example	based	on the Tow	n's 2009 A u	ıdit		
WEIGHTE	D AVERAG	E FORMU	ILA:		Town Reve	nue		Chamber	Budget
10% of Bu	ısiness Lice				\$231,000			# 00.000	
	Home Occ	upation Pe	ermit		\$8,700			\$23,900	
6.5% of T	ransient Occ	cupancy Ta	exes		\$10,960			\$700	
					¥ : 5,5 5 5			¥	
	Sales Tax				\$4,835,976			\$12,000	
Total (Ro	unded to th	ne neares	t 100)					\$36,600	
Budget P	roposal Ba	sed on \$3	6,772 State	ement	of Work for	Business F	Retention S	Services	
<u> </u>			0.4.1						
Business	Community				unition.		¢40,000		
	On-going E	ducation	& Training C	pport	iriities		\$10,000		
Madia Rı	ıy to Promo	to Evictin	a Rusines	206					
ivicula bu	"Profile In E		ig busiles	.					
	Stardust 9		oic	\$125	per week for s	52 weeks	\$6,500		
	Otarador o	10 / 11/1 1 (01		Ψ.20		JE WOOKO	φο,σσσ		
	"All Things	Business	"						
	TALK 960			\$150	per week for s	52 weeks	\$7,800		
Technolo	gy and Ma								
	"HighDese	rtBusiness	Directory.c	om"			\$3,075		
	Free on-lin	e business	listing for a	all App	le Valley Bus	inesses			
	"Web Pace	s" for Appl	e Valley Vill	lage B	usinesses		\$3,075		
	"HighDese	rtEconomy	/.com"				\$3,075		
	Marketing	of our Reg	ion						
	Retention S	Staff		-	-		\$3,075		
Business									

CHAMBERS AND POLITICAL ACTION

February 2008

"IF YOU'RE NOT AT THE TABLE, YOU ARE PROBABLY ON THE MENU"

INTRODUCTION

One of the most often talked about subjects for a local chamber is what role a chamber should play in local and state elections. There are legitimate discussions about the pros and cons of chambers endorsing candidates and forming political action committees to support those candidates. A very important aspect of that discussion though should be based on sound facts. The discussion should also answer the question: "Does who is elected to office have the ability to influence the business climate of the members of your chamber of commerce?" If the answer is yes, then a chamber should look at the menu of opportunities they have to influence the election. This paper will attempt to answer frequently asked questions about chambers involvement in the election process and provide the resources to get specific questions answered.

RESEARCH

The Western Area Chamber Executives is one of the largest Chamber Associations in the United States. A recent poll of Chambers showed a growing trend toward Chamber involvement in the political process:

- Of 295 Chambers surveyed, 87 endorse candidates for public office.
- Of 294 Chambers surveyed, 71 have a PAC.

FREQUENTLY ASKED QUESTIONS

- 1. Does a Chamber need to form a Political Action Committee (PAC) to endorse a candidate or issue? No! Chambers can endorse candidates and issues without a PAC and can communicate their endorsement to their membership, and to the public through a press release or press conference. If the chamber intends to go beyond this and spend more than \$1,000.00 in doing so then the Chamber should form a PAC.
- 2. Does a Chamber need to form a Political Action Committee to spend money to promote the candidate or issue that they have endorsed? If you are going to spend dollars to promote your endorsement beyond your membership, the answer is yes, it is recommended that you form the appropriate PAC for your state. It is not appropriate to spend Chamber dollars directly to support your endorsement later in this report we will give you the contact information for your state. Also understand that there is a difference in the type of PAC you form if it is for candidates or issues only.
- 3. Are there different rules for a Chamber involvement in Federal, State or Local elections? There are definite differences. This report will deal with State elections only but do not assume that there are not different rules for local elections. Generally the City Clerks Office for City elections, The County Clerk for County elections and the School Board offices for School related issues is a great place to check. Almost all governmental websites now have their election regulations on line now.
- 4. **Can a Chamber contribute to a PAC formed by someone else?** Yes. Chambers can contribute to other PACs. As an example, in California, if Chamber uses member dues/donations (as opposed to using interest or other income) to make the contribution, they must apply the so-called "first bite" rule, which says they may only make one political contribution each 5 years or risk turning the chamber into a political recipient committee, with reporting obligations. The best way around this is to attribute the contribution to interest or other income. Moreover, if they make contributions of \$10,000 or more in a calendar year, they trigger Major Donor reporting obligations.
- 5. What is the difference between a PAC and an Independent Expenditure Committee? A Political Action Committee is a committee that receives contributions from two or more persons in order to make contributions directly to candidates or issues that they support. There are rules in each state the limit the amount of money that can be contributed to a PAC or that a PAC may spend in a race either for a candidate or issue.

An Independent Expenditure Committee or IEC is technically considered a PAC but has very different rules on how much it can collect and spend. The main caveat for an IEC is that the expenditures must be done totally independent of the candidate. There are very stiff penalties for

violating that rule. An IEC may accept unlimited contributions from any source, and may make unlimited expenditures, but must file the appropriate disclosure reports.

- 6. The Chamber is a not for profit. I thought not for profits were forbidden from political activities? No. All nonprofits are not created equal. Chambers are nonprofits but have different rules about involvement than charitable nonprofits or 501C-3s.
- 7. **Are there different kinds of PACS?** Yes, almost every state has provisions for PACs that fund candidates and those PACs that only are involved in issues. There are also provisions to have PACs that do both. Different states have different requirements so you may need to form separate PACs if you plan on funding candidates and issues.

RESOURCES

National Campaign Disclosure & Reporting Information:

Source	Web Address
IRS Political Organization Filing Requirements	www.irs.gov/newsroom/article/0,,id=103480,00.html

National PAC Internet Resources:

Source	Web Address
Federal Election Commission Disclosure	www.fec.gov/finance/disclosure/disclosure_data_search.shtml
Federal Election Committee	www.fec.gov/
National Conference of State Legislatures:	http://www.ncsl.org/programs/legismgt/ABOUT/contriblimits.htm

Arizona Campaign Disclosure & Reporting:

Source	Web Address
Arizona Secretary of State	www.azsos.gov/

Arizona PAC Internet Resources:

Source	Web Address
Arizona Secretary of State Campaign Contribution Limits	www.azsos.gov/election/2008/info/campaign_contribution_limits_2008.htm

California Campaign Disclosure & Reporting:

Source	Web Address
California Automated Lobbyist and Campaign Contribution and Expenditure Search System	http://cal-access.ss.ca.gov
Fair Political Practices Committee (FPPC)	www.fppc.ca.gov
Secretary of State Political Reform	www.sos.ca.gov/prd/prd.htm

California PAC Internet Resources:

Source	Web Address
California Chamber of Commerce	www.calchamber.com

Colorado Campaign Disclosure & Reporting:

Source	Web Address
Colorado Secretary of State	www.sos.state.co.us/
Secretary of State Rules Concerning Fair Campaign Practices Act	www.sos.state.co.us/pubs/rule_making/campaign_adopt.htm

Nevada Campaign Disclosure & Reporting:

Source	Web Address
Secretary of State	http://sos.state.nv.us/elections/party/ped/PACRegForm.pdf

Oregon Campaign Disclosure & Reporting:

Source	Web Address

Campaign Finance Manual for Candidates and	www.sos.state.or.us/elections/publications/cf_2007.pdf
Political Committees:	

Washington PAC Internet Resources:

Source	Web Address
Washington Chamber of Commerce	www.awb.org/index.asp
Washington Chamber of Commerce Executives	www.wcce.org

HAVE ADDITIONAL QUESTIONS?

For the Do's and Don'ts of PACS, here are a few Chambers that already have PACs in place:

State	Chamber
Arizona	Phoenix, Tucson, Wickenburg
California	Chico, Long Beach, Riverside, Sacramento
Colorado	Boulder, Colorado Springs
Nevada	Las Vegas, Reno
Oregon	Albany, Eugene, Medford
Washington	Kelso Longview, Redmond

WACE believes reasonable efforts have been made to ensure the accuracy of the information contained in this document. Be advised that the current laws relating to political activity in your particular state may change. This information is not intended to and does not constitute legal or other professional advice. WACE encourages its members to check the accuracy of the information provided and report and errors to us at info@waceonline.com