

RESOLUTION NO. 2011-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HUNTINGTON BEACH DECLARING THE CITY'S INTENTION TO LEVY AN  
ANNUAL ASSESSMENT FOR FISCAL YEAR 2011-2012 WITHIN THE  
HUNTINGTON BEACH DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the California Legislature, in adopting the Parking and Business Improvement Area Law of 1989 (Streets and Highways Code §36500 et seq.) found that cities are authorized to levy assessments on businesses in order to promote economic revitalization and tourism, create jobs, attract new businesses and prevent erosion of business districts; and

The California Legislature found that cities are authorized to levy assessments on businesses which benefit from those improvements and activities; and

A sizeable majority of the downtown businesses within the City of Huntington Beach requested that the City Council commence proceedings under the Parking and Business Improvement Area Law of 1989 to establish a downtown business benefit area within the City of Huntington Beach and to levy a special assessment to promote tourism and tourist related events; and

The City Council formed a business improvement area, known as the Huntington Beach Downtown Business Improvement District (the "District"), by the passage of Ordinance No. 3661 on September 7, 2004. The City is proposing to levy an assessment for fiscal year 2011-2012 pursuant to the process detailed in Streets and Highways Code §36500, et seq.; and

The District's Advisory Board has prepared and filed with the City Clerk an "Annual Report/Operating Budget 2010-2011 Fiscal Year to Date" and "Proposed Budget for Fiscal Year 2011-2012" (collectively, "Annual Report"); and

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. The City Council hereby approves the Annual Report filed by the Advisory Board in the City Clerk's office attached hereto as **Exhibit A** and incorporated herein by this reference, which includes a proposed budget for Fiscal Year 2011-2012 and a description of the improvements and activities to be provided for Fiscal Year 2011-2012.

SECTION 2. To levy and collect assessments within the District area for Fiscal Year 2011-2012 as per the assessment schedule listed in **Exhibit B** attached hereto and incorporated herein by this reference.

SECTION 3: The type or types of improvements and activities proposed to be funded by the levy of assessments on businesses within the business improvement area are specified in **Exhibit C**, attached hereto and incorporated herein by this reference. Further, the improvements, if any, to be acquired for the proposed business improvement area are specified in **Exhibit C**.

SECTION 4. A public hearing shall be held before the City Council on September 19, 2011, at 6:00 p.m., or as soon thereafter as this matter may be heard, in the Council Chambers of the City Hall, 2000 Main Street, Huntington Beach, California, at which time the Council will hear all interested

persons for or against levying of the assessment, and the furnishing of specified types of improvements or activities. Protests may be made orally or in writing; but, if written, shall be filed with the City Clerk at or before the time fixed for the hearing and contain sufficient documentation to verify business ownership and validate the particular protest. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. The City Council may waive any irregularity in the form or content of any written protest, and at the public hearing, may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing set forth above. If written protests are received by the owners of businesses within the District, which will pay 50% or more of the total assessments to be levied, no further proceedings to levy the proposed assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activity within the District, those types of improvements or activities shall be eliminated.

SECTION 5. The City Clerk is hereby directed to provide notice of the public hearing by causing the this resolution of intention to be published once in a newspaper of general circulation at least seven days before the public hearing.

SECTION 6. Further information regarding the proposed business improvement district may be obtained at the Huntington Beach City Hall, 2000 Main Street, Huntington Beach, California 92648; telephone (714) 536-5542; or from the Huntington Beach Downtown Business Improvement District, 315 3<sup>rd</sup> Street, Suite E, Huntington Beach, CA 92648, (714) 536-8300.

SECTION 7. The City Clerk shall mail a complete copy of this resolution of intention by first-class mail to each business owner in this area within seven days after the Council's adoption of this resolution.

SECTION 8. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 15th day of August, 2011.

/s/ Joe Carchio  
Mayor

REVIEWED AND APPROVED:

/s/ Fred Wilson  
City Manager

INITIATED AND APPROVED:  
/s/ Stanley Smalewitz  
Director of Economic Development

APPROVED AS TO FORM:

/s/ Jennifer McGrath  
City Attorney

A copy of the Annual Report (Exhibit A) and Assessment Schedule (Exhibit B) are available in the City Clerk's office at:  
Huntington Beach Civic Center, 2<sup>nd</sup> Floor  
2000 Main Street  
Huntington Beach, CA 92648