

RESOLUTION NO. 15-0035

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL  
OVERRULING PROTESTS AND PROVIDING FOR THE ANNUAL LEVY  
AND COLLECTION OF ASSESSMENTS FOR THE EXISTING  
DOWNTOWN MANHATTAN BEACH BUSINESS IMPROVEMENT  
DISTRICT, PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS  
CODE SECTION 36500 ET. SEQ. (THE PARKING & BUSINESS  
IMPROVEMENT LAW OF 1989)

THE MANHATTAN BEACH CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

A. The City Council has previously formed a Property & Business Improvement District pursuant to the provisions of Section 36500 *et seq.* of the California Streets and Highways Code, the Parking & Business Improvement Law of 1989 (the "Act"), for providing services to the businesses within the area designated as the Downtown Manhattan Beach Business Improvement District (hereinafter referred to as the "District").

B. On June 16, 2015, the City Council adopted Resolution 15-0034 declaring its intention to authorize the collection of assessments to provide services in accordance with the 2015 Downtown Manhattan Beach Property & Business Improvement District Plan for the period beginning July 1, 2015, and ending June 30, 2016 (the "Report"), with the services to be performed within the District. Resolution 15-0034 fixed the time and place for a hearing of any and all protests in relation to the proposed assessment for July 7, 2015.

C. Evidence has been received as to the publication and mailing of notice of the hearing in the time, form and manner required by law.

D. This Resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(3) in that it has no potential for causing a significant impact to the environment.

SECTION 2. Following notice duly given pursuant to law, the City Council has held a full and fair public hearing regarding the levy and collection of an assessment against businesses within the District for Fiscal Year 2015-2016. At the public hearing, the testimony of all interested persons regarding the levy of an assessment against businesses within the District for Fiscal Year 2015-2016 was heard and considered. The City Council hereby determines that there was no majority protest within the meaning of the Act.

SECTION 3. Based upon its review of the Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, and other reports and information presented to the City, the City Council hereby finds and determines that (i) the businesses within the District will be benefitted by the expenditure of funds raised by the assessment, (ii) the District includes all of the

businesses so benefitted and that all other businesses located outside of the District will not be charged or assessed as they will derive only, at most, an indirect benefit from the program activities, and (iii) the net amount of the assessment levied within the District for the 2015-2016 Fiscal Year in accordance with the Report is apportioned by a formula and method which fairly distributes the net amount in proportion to the estimated benefits to be received by each such business.

SECTION 4. The City Council hereby confirms the Report as filed.

SECTION 5. The adoption of this Resolution constitutes the levy of an assessment for Fiscal Year 2015-2016.

SECTION 6. This Resolution shall take effect immediately upon adoption.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 7<sup>th</sup> day of July, 2015

Ayes:  
Noes:  
Abstain:  
Absent:

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MARK BURTON  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk