

RESOLUTION NO. 16-0044

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, FINDS AND DETERMINES:

SECTION 1.

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 7, 2016, the City Council adopted Resolution 16-0023 declaring its intention to authorize the collection of assessments to provide services in accordance with the 2016 Downtown Manhattan Beach Property & Business Improvement District Plan for the period beginning July 1, 2016, and ending June 30, 2017 (the "Report"), with the services to be performed within the District. Resolution 16-0023 fixed the time and place for a hearing of any and all protests in relation to the proposed assessment for July 5, 2016.

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. The actions taken by adoption of this resolution are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(3) in that they have 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 2016-2017 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 2016-2017.

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.

ADOPTED July 5, 2016

Ayes:
Noes:
Abstain:
Absent:

TONY D'ERRICO
Mayor, City of Manhattan Beach

ATTEST:

LIZA TAMURA
City Clerk