

RESOLUTION NO. 16-0003

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL OVERRULING PROTESTS AND PROVIDING FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR THE EXISTING NORTH MANHATTAN BEACH BUSINESS IMPROVEMENT DISTRICT, PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 36500 ET. SEQ. (SB 1424 - PARKING & BUSINESS IMPROVEMENT LAW OF 1989, CHAPTER 2)

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES, FINDS AND DETERMINES:

SECTION 1. The City Council hereby finds:

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

B. On January 19, 2016, the City Council adopted Resolution No. 16-0001 declaring its intention to authorize the collection of assessments to provide services in accordance with the 2016 Enhancement Project and Activity Plan for the period beginning January 1, 2016, and ending December 31, 2016 (the "Report"), with such services to be performed within the District.

C. Resolution No. 16-0001 fixed the time and place for a public hearing of any and all protests in relation to the proposed assessment for February 16, 2016.

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

E. This Resolution is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the approval may have a significant effect on the environment.

SECTION 2. On February 16, 2016, the City Council held a duly noticed full and fair public hearing regarding the levy and collection of an assessment against businesses within the District for fiscal year 2016-2017. At the public hearing, the Council considered testimony of all interested persons regarding the levy of any assessment against businesses within the District for fiscal year 2016-2017. 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 in the District will be benefitted by the expenditure of funds raised by the assessment for fiscal year 2016-2017, (ii) the District includes all of the businesses so benefitted, and (iii) the net amount of the assessment levied within the District for fiscal year 2016-2017 in accordance with this Resolution No. 16-0003 and 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 originally filed.

SECTION 5. The adoption of this resolution constitutes the levy of an assessment for fiscal year 2016-17.

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 16<sup>th</sup> day of February, 2016.

Ayes:  
Noes:  
Abstain:  
Absent:

\_\_\_\_\_  
Mark Burton  
Mayor City of Manhattan Beach

ATTEST:

\_\_\_\_\_  
Liza Tamura, City Clerk