ORDINANCE NO. _____

An Ordinance of Intention of the City of Los Angeles to confirm the Annual Report for the Little Tokyo Business Improvement District (District) and to levy a special assessment upon businesses located within the District for the District's fifteenth operating year beginning January 1, 2018.

WHEREAS, the Parking and Improvement Area Law of 1989, as contained in Sections 36500 *et. seq.* of the California Streets and Highways Code (Act) authorizes the establishment of parking and business improvement districts for the purpose of levying assessments on district businesses for certain purposes; and

WHEREAS, the City Council on July 29, 2003, adopted Ordinance No. 175399, which established the District and authorized the levy of a special assessment to support District operations for the District's first operating year; and

WHEREAS, pursuant to Section 36500 *et seq.* of the Act, an annual report is required to be prepared for each operating year for which assessments are to be levied and collected; and

WHEREAS, the Advisory Board for the District has caused to be prepared and filed the required annual report, which includes a description of programs and activities and any changes or modifications for the District's fifteenth operating year; and,

WHEREAS, the subject annual report for fiscal year 2018 has been reviewed and approved by the Office of the City Clerk, and complies with the provisions of Section 36533 of the Act.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. DECLARATION OF INTENTION. Pursuant to provisions of the Act, the City Council hereby declares its intention to confirm and approve the Annual Report for the District's fifteenth operating year, prepared by the Advisory Board for Little Tokyo Business Improvement District which is filed with the City Clerk and is contained in Council File No. _____, to provide for the levy of assessments upon businesses operating within the Little Tokyo Business Improvement District during the 2018 operating year, and to adopt an ordinance to that effect. Assessments will be levied on and collected from all businesses located within the District in the amounts and according to the classifications set forth in the 2018 Annual Report prepared by the District's Advisory Board and filed with the City Clerk. These levies may be based on proposed changes to the district boundaries, to district benefit zones and/or to the basis and method of levying assessments within the District in accord with Section 36533 of the Act.

Sec. 2. ANNUAL ASSESSMENT. The District's total assessment for the 2018 operating year is $259,541.

Sec. 3. DISTRICT BOUNDARIES. The boundaries of the District for the 2018 operating year remain unchanged from the boundaries as set forth for the 2017 operating year. A description of the boundaries of the District for 2018 are as follows: Temple Street on the north; 3rd Street to the south; Vignes, Hewitt and Alameda Streets to the east; and Los Angeles and San Pedro Streets to the west. A full description of the boundaries and a map are included in the Annual Report on file with the City Clerk.

Sec. 4. IMPROVEMENTS AND ACTIVITIES. The improvements and activities to be funded by the assessments may include, but are not limited to safety ambassador program, street/sidewalk maintenance program, marketing and promotional program, administrative program, and other activities as identified in Sections 36510 and 36513 of the Act.

Sec. 5. METHOD AND BASIS FOR LEVYING ASSESSMENT. The proposed method and basis for levying the assessment is set forth in the Annual Report filed with, and reviewed and approved by, the Office of the City Clerk. Except where funds are otherwise available, an assessment to pay for all specified improvements and activities within the District will be levied annually following a public hearing and adoption of a resolution by the City Council.

Sec. 6. BILLING AND COLLECTION OF ASSESSMENTS. The billing and collection of the special assessment will occur after the effective date of the ordinance confirming the annual report and levying of special assessments. The billing and collection will be accomplished by the mailing of assessment notices (Statement of Assessment Due) to each business owner in the District, to the address shown on City records, with the assessments becoming due 45 calendar days from the notice date on the Statement of Assessment Due.

Sec. 7. PENALTY FOR DELINQUENT PAYMENT. No business owner shall fail to pay or refuse to pay the special assessment hereby imposed. Any business owner who fails to pay the special assessment levied shall receive a notice of failure to pay (Notice of Delinquent Assessment) on or about the 46th calendar day from the notice date on the Statement of Assessment Due.

If the business owner has not paid the full assessment, the City shall add a penalty of 10% of the assessment amount on the 46th day and every 30 days thereafter, until which time the assessment and applicable penalties are paid in full. If the business owner continues to fail to pay, an action may be brought by the City of Los Angeles in a court of competent jurisdiction. The penalty amount to be added shall not exceed 100% of the base assessment amount.

Sec. 8. EXEMPTION OF NEW BUSINESSES. City Council reaffirms its determination to exempt new businesses recently established within the District area

from the levy of assessments for a period not to exceed one year from the date the business commenced operating in the area.

Sec. 9. PUBLIC HEARING. Pursuant to Section 36524 of the Act, one public hearing shall be held before the City Council. The public hearing shall be held on _____, or as soon thereafter as this matter may be heard, in the John Ferraro Council Chamber in Room 340 at City Hall, 200 North Spring Street, Los Angeles, California 90012. The public hearing shall be held not less than ten days after the adoption of the Ordinance of Intention. The public hearing may be continued from time to time. At this hearing, the City Council will consider the adoption of the ordinance authorizing the assessment for the District's 2018 operating year.

Sec. 10. PROTESTS. At the public hearing, the City Council shall hear and consider all protests against the proposed levying of the assessment on businesses located within the District for the subject operating year, the extent of the District, or the furnishing of specified types of improvements or activities within the District. A protest may be made orally or in writing by any interested person. 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.

Every written protest shall be filed with the City Clerk prior to or during the public hearing. 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 prior to the conclusion of the public hearing.

Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the City as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest that does not comply with these requirements shall not be counted in determining a majority protest.

Written protests can be on a form supplied by the City Clerk (Form SAS 143B). The form may be obtained at the Council and Public Services public counter in Room 395 at City Hall, 200 North Spring Street, Los Angeles, California 90012 or by telephoning (213) 978-1099.

If written protests are received from the owners of businesses in the District who will pay 50% or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50%, 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 improvement or activity within the District, those types of improvements or activities shall be eliminated.

Sec. 11. QUESTIONS OR COMMENTS. Any person having a question or comment regarding the hearing proceedings may telephone (213) 978-1099 or via facsimile (213) 978-1130 and address the questions or comments to the Deputy City Clerk assigned to answer inquiries regarding the hearing proceedings.

Sec. 12. NOTICE REQUIREMENT. The City Clerk is directed to give notice of the public hearing pursuant to Section 36523 of the Act.

Sec. 13. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
CHRISTY NUMANO-HIURA
Deputy City Attorney

Date 4-11-18

File No. 14-0385

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

_____ _____

Ordinance Passed_____

Approved_____