ORDINANCE NO. _____

An ordinance of the City of Los Angeles confirming the annual report and levying of special assessments upon businesses located within the **Little Tokyo Business Improvement District** (District) for the fiscal and program year beginning January 1, 2018 through December 31, 2018, as provided for in Section 36500 *et seq.*, of the California Streets and Highways Code (Act).

WHEREAS, on July 29, 2003 the City Council adopted Ordinance No. 175399, establishing the Parking and Business Improvement District known as the Little Tokyo Business Improvement District; and

WHEREAS, the subject annual report for fiscal year 2018 has been reviewed and approved by the Office of the City Clerk; and

WHEREAS, the Advisory Board for the District has caused to be prepared the required annual report for the District for fiscal year 2018; and

WHEREAS, during a public meeting on May 22, 2018 the City Council adopted Ordinance No. 185542, an Ordinance of Intention, to confirm the annual report for the District for fiscal year 2018; and

WHEREAS, during the same public meeting the City Council did declare its intention to confirm the annual report and to levy special assessments upon businesses located within the District for fiscal year 2018; and,

WHEREAS, the adoption of this ordinance follows a public hearing, as provided for in Section 36535 of the Act.

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

Section 1. FINDINGS. The City Council hereby finds and declares that:

A. At the public hearing held before the City Council _____, 2018, in the John Ferraro Council Chamber in Room 340 at City Hall, 200 North Spring Street, Los Angeles, California 90012, the City Council heard and considered all written and verbal protests regarding the confirmation of the annual report and levying of special assessments.

B. There was no majority protest, as defined by Section 36525 of the Act, by the owners of businesses in the District to be assessed.

C. A special assessment for the District for fiscal year 2018 is hereby authorized to be levied upon businesses located within the boundaries of the District.

D. Having evaluated the improvements and activities to be provided in the District by the levy of the assessment, as described below in Section 5 of this ordinance and further described in the District annual report, this Council thus determines that these improvements and activities confer benefit on the businesses located within the District.

E. Businesses in the District established by Ordinance No.175399 and by this ordinance shall be subject to any amendments to the Act.

Sec. 2. ANNUAL ASSESSMENT. The City Council has authorized, by its adoption of this ordinance, the levy of a special assessment on all businesses in the District, in the amounts and according to the classifications set forth in the annual report prepared by the District's Advisory Board and filed with the City Clerk. The subject annual report for fiscal year 2018 has been reviewed and approved by the Office of the City Clerk.

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. METHOD AND BASIS OF LEVYING THE SPECIAL ASSESSMENT. For fiscal year 2018, the assessment methodology for the District is based on annual sales of each business. A full description of the assessment methodology is included in the Annual Report on file with the City Clerk.

Sec. 5. USE OF REVENUE. The improvements and activities to be provided in the District will be funded by the levy of the special assessment. The revenue from the levy of the special assessment within the District shall not be used to provide improvements or activities outside of the District, or for any purposes other than the purposes specified in Ordinance No. 185542. The improvements and activities to be provided in the District include, but are not limited to: Safety Ambassador Program, Street/Sidewalk Maintenance Program, Marketing and Promotional Program, and Administrative Program and other activities as identified in Sections 36510 and 36513 of the Act.

Sec. 6. ADVISORY BOARD.

A. The City Council has appointed an Advisory Board pursuant to the Act, in order to make recommendations to the City Council on the expenditure of revenues derived from the levy of assessments, on proposed improvements and activities, and on the method or the basis for levying assessments.

B. The Advisory Board shall cause to be prepared a report for each fiscal year for which assessments are to be levied. The report shall be filed with the City Clerk and shall comply with all requirements of Section 36533 of the Act.

Sec. 7. CHANGES TO THE ANNUAL REPORT BY THE CITY COUNCIL. During the course or upon the conclusion of the public hearing required to levy the special assessment for the subject fiscal year, the City Council may order changes on any of the matters provided in the annual report, including changes in the proposed assessments, the proposed improvements and activities to be funded with the revenues derived from the levy of the special assessment, and the proposed boundaries of the District and any benefit zones within the District. The City Council shall not change the boundaries of the District to include any territory that will not, in its judgment, benefit from the improvements or activities.

Sec. 8. SPECIAL FUND. The special assessment authorized by this ordinance shall be billed and collected by the City, with all funds collected to be placed in a special fund known as the "Little Tokyo Business Improvement District Fund" (Fund). All interest and other earnings attributable to the assessments, contributions and other revenue deposited in the Fund shall be credited to the Fund.

Sec. 9. BILLING AND COLLECTION OF ASSESSMENT. After the effective date of this ordinance, the billing and collection of the special assessment 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. 10. 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. 11. 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 6.12.14

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 _____