

EXHIBIT D.3:

Community Benefits Trust Fund Ordinance

Downtown Community Plan

CF 22-0617; CPC-2017-432-CPU; CPC-2014-1582-CA; ENV-2017-433-EIR

Recommended by the City Planning Commission on September 23, 2021

September 2022

ORDINANCE NO. _____

An ordinance adding Section X.XXX to Chapter 176 to the Los Angeles Administrative Code to create the Downtown Community Benefit Trust Fund for the receipt and use of Downtown Community Benefit Fee monies.

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

Section 1. Chapter 176 of the Administrative Code is added to read as follows:

CHAPTER 176

CITY OF LOS ANGELES DOWNTOWN COMMUNITY BENEFIT TRUST FUND

Sec. X.XXX. Creation and Administration of the Downtown Community Benefit Trust Fund.

- A. There is hereby created and established within the Treasury of the City of Los Angeles a special fund to be known as the "Downtown Community Benefit Trust Fund" (the "Fund").
- B. The purpose of the Fund shall be the receipt, retention, and disbursement of monies constituting Downtown Community Benefit Fees (as defined in the Downtown Community Benefit Fee ordinance) required to be collected and deposited into the Fund, pursuant to the Downtown Community Benefit Fee ordinance (Downtown CBF), as amended from time to time.
- C. All Downtown CBF payments to be received by the Department of City Planning, pursuant to Article 9, Chapter 1A of the Los Angeles Municipal Code (LAMC) shall be placed in the Fund.
- D. All Downtown CBF payments shall be made by check payable to the City of Los Angeles, which shall be delivered to the City Clerk within five working days after receipt by the Office of the Chief Legislative Analyst (CLA). The City Clerk shall process and deliver all public benefit payments to the Treasurer for deposit.
- E. All monies from the Fund shall be expended for the purposes set forth, and subject to the provisions and limitations expressed in the Downtown CBF, as amended from time to time.

F. All appropriations shall be authorized by a majority vote of the Council, subject to the approval of the Mayor, or passage by the Council over the Mayor's veto by a two-thirds vote, after having received non-binding advisory recommendations regarding any disbursement from the Downtown Community Benefits Trust Fund Oversight Committee, as established by LAMC Section x. There shall be no expenditure, transfer, or another form of disbursement of money from the Fund, except to serve a public purpose, as identified in the Downtown CBF ordinance, or as amended from time to time. The public purpose shall be located within the Downtown Community Plan Area or within its 1.5-mile radius.

- a. All Community Benefit Fund projects shall have applicable approvals from relevant City agencies.
- b. All Community Benefit Fund projects with respect to public right-of-way improvements are subject to the approval of the Los Angeles (LADOT) Department of Transportation and Department of Public Works.

G. Ten percent of each Downtown CBF payment may be used to offset administrative costs of the program per the following:

- a. The Planning Department shall be authorized to retain 2.5-percent of each Downtown CBF payment to offset administrative costs associated with securing a Downtown CBF payment.
- b. Up to 2.5-percent of each Downtown CBF payment appropriation may be allowed to offset administrative costs associated with the accounting and record-keeping expenditures made on behalf of the Fund.
- c. Up to 2.5-percent of each Downtown CBF payment may be used to offset administrative costs associated with the implementation of an appropriation made from the Fund.
- d. Community representatives (members not from the City departments) in the Oversight Committee shall receive an annual stipend of \$100 and a minimum stipend of \$50 per meeting, with a total amount not to exceed 2.5 percent of each Downtown Community Benefit payment.

The total of the allowable 10 percent allocations for administrative costs shall be a required line item in the Fund budget.

H. Appropriated monies that remain unencumbered after three years from the date of approval, shall revert back to the Fund.

I. The Controller shall be responsible for maintaining the receipts and disbursements records for the Fund.

- J. The City Clerk shall be responsible for processing receipts into and disbursements from the Fund.
- K. The Department of City Planning shall be responsible for preparing the annual budget for the Fund and is authorized to establish appropriate procedures to carry out the provisions of this chapter.
- L. The Fund shall be interest bearing. Interest and any other earnings attributable to monies in the Fund shall be credited to the Fund and devoted to the purposes of the Fund.
- M. Monies not expended from the Fund at the close of any fiscal year shall not revert to the Reserve Fund or the General Fund but shall remain in the Fund.
- N. The Department of City Planning shall maintain appropriate accounting records of the actual costs of the services rendered pursuant to the Fund. The Department of City Planning shall report annually to the Chief Legislative Analyst regarding and identifying all receipts into and all expenditures out of the Fund, as well as the purpose for which each expenditure was made. Each report shall cover a fiscal year and shall be submitted within 90 days after the close of that fiscal year.

Sec. 2. Severability. If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 3. 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

VINCENT P. Bertoni, AICP
Director of Planning

By _____

Date _____

Date _____

File No. _____

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

MAYOR

CITY CLERK

Approved _____

Ordinance Passed _____

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted.