

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PASADENA ESTABLISHING THE PLAYHOUSE DISTRICT ASSOCIATION PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT AND ADOPTING A BASELINE LEVEL OF SERVICES WITHIN SUCH DISTRICT

THE CITY COUNCIL OF THE CITY OF PASADENA DOES HEREBY ORDAIN AS FOLLOWS:

Section I. Findings.

A. Pursuant to Property and Business Improvement District Law of 1994, California Streets and Highways Code Sections 36600 *et seq.* (the "Act"), the City Council adopted Resolution No. 9114, dated May 23, 2011, entitled "A RESOLUTION OF THE CITY OF PASADENA STATING ITS INTENTION TO FORM THE PLAYHOUSE DISTRICT ASSOCIATION PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994, PART 7 OF DIVISION 18 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO" ("Resolution 9114"). Such resolution among other things, approved the Management District Plan on file in the office of the City Clerk.

B. The City caused notice of public hearing concerning the proposed establishment of the Playhouse District Association Property-based Business Improvement District and the proposed levy of assessments within such district to be duly mailed, as required by law, to the record owner of each parcel proposed to be assessed within the District.

C. A public hearing concerning the proposed establishment of the Playhouse District Association Property-based Business Improvement District and the proposed levy of assessments within such District was held on July 11, 2011, at the hour of 7:30 p.m. in Council Chambers, Room S249 or City Hall located at 100 North Garfield.

D. At the public hearing, the testimony of all interested persons for or against the establishment of the Playhouse District Association Property-based Business Improvement District, the levy of assessments within such District, and the type or types of improvements and activities to be funded with the revenues from the assessments was heard and considered, and a full, fair and complete hearing was held.

E. The City Council heard and considered all objections or protests to the proposed assessments and tabulated the assessments ballots submitted,

and not withdrawn, in support of or in opposition to the proposed assessments. The City Council hereby finds that a majority protest does not exist as defined by Section 4(e) of Article XIID of the California Constitution and Section 53753 of the California Government Code. All objections or protests, both written and oral, are hereby duly overruled.

F. The public interest, convenience and necessity require the establishment of the proposed Playhouse District Association Property-based Business Improvement District

G. In the opinion of the City Council, the property within the Playhouse District Association Property-based Business Improvement District will be benefited by the improvement and activities to be funded by the assessments, and no assessment has been imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

Section II. Establishment of District. Pursuant to the Act, a business improvement district designated as the Playhouse District Association Property-based Business Improvement District (the "District") is hereby created and established.

Section III. Description of District. The exterior boundaries of the proposed District include an approximately 33-block area bounded by Los Robles, the parcels along the northern edge of Walnut Avenue, Catalina to Colorado then Hudson, and the parcels along the southern edge of Green Street.

Section IV. Amount of Assessment.

A. Except where funds are otherwise available, an assessment will be levied annually on properties in the District to pay for all the improvements and activities to be provided within the District, commencing with calendar year 2012, and ending with calendar year 2016. For purposes of levying and collecting assessments within the District, the fiscal year shall commence on each January 1st and end on the following December 31st.

B. The total amount of the proposed assessment to be levied and collected for the fiscal year 2012 shall be \$768,990. The amount of the assessment to be levied and collected in subsequent fiscal years may increase as a result of the increases in the assessment rates in accordance with increases in the Consumer Price Index, All Urban Consumers, for the Los Angeles-Riverside-Orange County metropolitan area, which increases shall not exceed 5 percent per year, or as a result of events other than an increased rate or revised methodology, such as a change in the density, intensity or nature of the use of land.

C. The method and basis of levying the assessment is set forth in the Management District Plan on file in the office of the City Clerk, and hereby finally approved.

Section V. Fund. There is created a special fund designated as the "Playhouse District Association Property-based Business Improvement District Fund" into which all revenue derived from assessments levied pursuant to the Resolution shall be placed, and such funds shall be used only for the purposes specific in this Resolution. This fund shall be subject to an annual independent audit of financial statements.

Section VI. Use of Revenues. The improvement and activities for the District include providing security, sanitation, street and sidewalk cleaning and other municipal services supplemental to those normally provided by the City as well as marketing, and other improvements and activities which benefit businesses and real property located in the District. The above revenue from the levy of the assessments within the District shall not be used to provide improvements or activities outside the District or for any purpose other than the purposes specified in Resolution No. 9114 and/or this Resolution of the City Council.

Section VII. Contract Services. The City may contract with a separate private agency to administer the activities described in Section 6 above. Any such agency that holds funds in trust for purposes related to the contract shall, at no expense to the City, provide an annual independent report of an audited financial statement by a certified public accountant of these funds. The report may be funded from assessment proceeds as part of the general administration of the District. At all times the City shall reserve the right to review the accounting of these funds as well as the right to revoke any contract entered into with such a private agency.

Section VIII. Amendments. Property within the District established by this Resolution shall be subject to any amendments to the Act.

Section IX. Recordation of Notice and Diagram. The City Clerk is hereby authorized and directed to record a notice and an assessment diagram pursuant to Section 36627 of the California Streets and Highways Code following adoption of this Resolution.

Section X. Levy of Assessment. The adoption of this Resolution and the recordation of the notice and assessment diagram pursuant to Section 36627 of the California Streets and Highways Code constitutes the levy of an assessment in each of the fiscal years referred to in the Management District Plan. Each year, the County Auditor of the County of Los Angeles shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the

assessment and such assessment shall then be collected at the same time and in the same manner as the County taxes are collected.

Section XI. Baseline Services. To ensure that assessment revenues from the District are used to enhance the current level of services provided by the City within the District, the City Council hereby establishes as the baseline levels of service throughout the duration of the District, those levels set forth in the Management District Plan, provided, however, that in the event of a significant downturn in citywide revenues, the City Council may reduce the level of municipal services citywide, including within the District.

Adopted at the regular meeting of the City Council on the 11th day of July, 2011, by the following vote:

AYES:

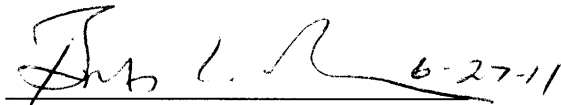
NOES:

ABSENT:

ABSTAIN:

MARK JOMSKY, CITY CLERK

Approved as to form:



Brad L. Fuller
Assistant City Attorney