

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
RENEWING THE SOUTH LAKE AVENUE PROPERTY AND 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. 9554, dated March 20, 2017, entitled "A RESOLUTION OF THE CITY OF PASADENA STATING ITS INTENTION TO RENEW THE SOUTH LAKE AVENUE PROPERTY AND 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 9554"). 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 renewal of the South Lake Avenue Property and 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 renewal of the South Lake Avenue Property and Business Improvement District and the proposed levy of assessments within such District was held on May 15, 2017, at the hour of 7:00 p.m. in Council Chambers, Room S249 of City Hall located at 100 North Garfield.

D. At the public hearing, the testimony of all interested persons for or against the renewal of the South Lake Avenue Property and 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and not withdrawn, in support of or in opposition to the proposed assessments.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 renewal of the South Lake Avenue Property and Business Improvement District.

G. In the opinion of the City Council, the property within the South Lake Avenue Property and 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. Renewal of District. Pursuant to the Act, the South Lake Avenue Property and Business Improvement District (the "District") is hereby renewed.

Section III. Description of District. The exterior boundaries of the proposed District include an approximately 14-block area consisting of 444 parcels and is generally bounded by Colorado Boulevard on the north, Mentor Avenue on the east, an east-west line approximately 260 feet south of California Boulevard on the south, and Hudson Avenue on the west.

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 property tax year 2017/2018, and ending with property tax year 2021/2022. The District may be renewed again following the proposed five year renewal term. For purposes of expending assessment funds within the District, the fiscal and operating year shall commence on each January 1st and end on the following December 31st. The District's five year operating term will thus commence on January 1, 2018 and continue through December 31, 2022.

B. The total amount of the proposed assessment to be levied and collected for the property tax year 2017/2018 shall be \$662,636. The amount of the assessment to be levied and collected in subsequent property tax years may increase. Subsequent annual increases on the assessment rates are capped at a maximum of 5% per year, subject to approval by PBID Property Owner Association Board of Directors.

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 "South Lake Avenue Property and Business Improvement District Fund" into which all revenue derived from assessments levied pursuant to this 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. 9554 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 VI 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 apart 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 renewed 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 property tax 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 property 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 15th day of May, 2017, by the following vote:

AYES:

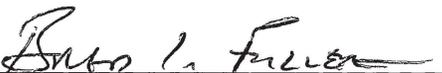
NOES:

ABSENT:

ABSTAIN:

MARK JOMSKY, CITY CLERK

Approved as to form:



Brad L. Fuller
Assistant City Attorney