

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-09-0089

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3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH APPROVING AN ANNUAL REPORT
5 FOR OCTOBER 1, 2009 TO SEPTEMBER 30, 2010 FOR
6 THE LONG BEACH TOURISM BUSINESS IMPROVEMENT
7 AREA ("LBTBIA") AND DECLARING ITS INTENTION TO
8 LEVY THE ANNUAL ASSESSMENT FOR THAT FISCAL
9 YEAR

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11 WHEREAS, pursuant to Section 36533 of the California Streets and
12 Highways Code, the Board of Directors of the Long Beach Area Convention and Visitors
13 Bureau has caused a Report to be prepared for October 1, 2009 to September 30, 2010
14 relating to the Long Beach Tourism Business Improvement Area ("LBTBIA") which is
15 located generally in the Airport District and the Downtown District, which is specifically
16 described in the Report; and,

17 WHEREAS, said Report contains, among other things, with respect to
18 October 1, 2009 to September 30, 2010 all matters required to be included by the above
19 cited Section 36533; and,

20 WHEREAS, having approved such Report, the City Council hereby
21 declares its intention to:

22 A. Confirm levy of and direct collecting within the Area, assessments for
23 the LBTBIA for October 1, 2009 to September 30, 2010. Said assessments are proposed
24 to be levied on such classifications and at such rates as are set forth in Exhibit "A"
25 attached hereto and incorporated herein;

26 B. Provide that each business shall pay the assessment monthly, at the
27 same time the transient occupancy tax is due; and

28 WHEREAS, to this end, the proposed activities and improvements

1 undertaken by the Area include those generally specified in the establishing Ordinance
2 No. ORD-05-0018, as adopted by the City Council on July 5, 2005; and

3 WHEREAS, a copy of the Report is on file with the City Clerk and includes
4 a full description of the activities and improvements to be provided from October 1, 2009
5 to September 30, 2010, the boundaries of the area, and the proposed assessments to be
6 levied on the businesses that fiscal year and all other information required by law; and

7 WHEREAS, it is the desire of this City Council to fix a time and place for a
8 public hearing to be held in the City Council Chamber of the City of Long Beach on
9 September 22, 2009 at 5:00 p.m., regarding the Report, the levy and the proposed
10 program for October 1, 2009 to September 30, 2010;

11 NOW THEREFORE, the City Council of the City of Long Beach resolves as
12 follows:

13 Section 1. That certain Report entitled "Assessment Report for
14 October 1, 2009 to September 30, 2010, Long Beach Tourism Business Improvement
15 Area" as filed with the City Clerk is hereby approved.

16 Section 2. On September 22, 2009 at 5:00 p.m., in City Council
17 Chamber, City Hall, 333 West Ocean Boulevard, Long Beach, California 90802, the City
18 Council of the City of Long Beach will conduct a public hearing on the levy of proposed
19 assessments for October 1, 2009 to September 30, 2010 for the LBTBIA. All concerned
20 persons are invited to attend and be heard, and oral or written protests may be made, in
21 accordance with the following procedures:

22 A. At the public hearing, the City Council shall hear and consider
23 all protests. A protest may be made orally or in writing by any interested
24 person. Any protest pertaining to the regularity or sufficiency of the
25 proceedings shall be in writing and shall clearly set forth the irregularity or
26 defect to which the objection is made.

27 B. Every written protest shall be filed with the City Clerk at or
28 before the time fixed for the public hearing. The City Council may waive

1 any irregularity in the form or content of any written protest and at the public
2 hearing may correct minor defects in the proceedings. A written protest
3 may be withdrawn in writing at any time before the conclusion of the public
4 hearing.

5 C. Each written protest shall contain a description of the
6 business in which the person subscribing the protest is interested sufficient
7 to identify the business and, if a person subscribing is not shown on the
8 official records of the City as the owner of the business, the protest shall
9 contain or be accompanied by written evidence that the person subscribing
10 is the owner of the business. A written protest which does not comply with
11 this section shall not be counted in determining a majority protest.

12 D. Testimony is also invited relating to any perceived
13 irregularities in or protests to previous years' proceedings/assessments.

14 Section 3. The City Clerk shall give notice of the public hearing called for
15 in Section 2 by causing this Resolution of Intention to be published once in a newspaper
16 of general circulation in the City not less than seven days before the public hearing.

17 Section 4. This resolution shall take effect immediately upon its adoption
18 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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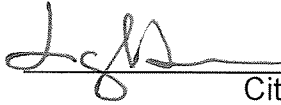
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of September 1, 2009, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, DeLong,
O'Donnell, Schipske, Andrews,
Reyes Uranga, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk

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Exhibit A

**FY 2010 Long Beach Tourism PBI
Assessment Formula**

Per Section 3 of Ordinance ORD-05-0018 establishing the district:

The boundaries of the LBTBIA shall be the Airport District and the Downtown District located within the City of Long Beach as illustrated on the attached map. The Airport District is bounded by Redondo Avenue, Carson shall be subject to any amendments made hereafter to said law or to other applicable

The boundaries of the LBTBIA shall be the Airport District Street, Bellflower Boulevard , and East Stearns Street. The Downtown District is bounded by Third Street, Alamitos Avenue, Queensway Bay (including the Queen Mary, excluding Queensway Harbor and the Long Beach Marina), and Highway 710.

The proposed LBTBIA will include all hotels, with greater than thirty (30) rooms, within the LBTBIA boundaries which include the Airport District and the Downtown District. The assessment shall be levied on all hotel businesses, existing and future, with greater than thirty (30) rooms, within the area based upon three percent (3%) of the gross short term room rental revenue. The assessment will be collected monthly, based on three percent (3%) of the gross short term room rental revenues for the previous month. New hotel businesses within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531. Pursuant to the Long Beach Municipal Code, assessments pursuant to the LBTBIA shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. As used in this Ordinance , the phrase "short term room rental" shall mean occupancies that last less than fifteen (15) consecutive days and shall not include occupancies related to state and federal government business by state and federal government employees, shall not include occupancies paid by LA County Social Service vouchers and shall not include airline crew room occupancies.

