

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

RESOLUTION NO. RES-15-0108

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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, 2015 TO SEPTEMBER 30, 2016 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, 2015 to September 30, 2016
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, 2015 to September 30, 2016 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, 2015 to September 30, 2016. 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, 2015
5 to September 30, 2016, 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 October 6, 2015 at 5:00 p.m., regarding the Report, the levy and the proposed program
10 for October 1, 2015 to September 30, 2016;

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

13 Section 1. That certain Report entitled "Long Beach Tourism Business
14 Improvement Area Annual Report" for October 1, 2015 to September 30, 2016, as filed
15 with the City Clerk is hereby approved.

16 Section 2. On October 6, 2015 at 5:00 p.m., in City Council Chamber,
17 City Hall, 333 West Ocean Boulevard, Long Beach, California 90802, the City Council of
18 the City of Long Beach will conduct a public hearing on the levy of proposed
19 assessments for October 1, 2015 to September 30, 2016 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 all
23 protests. A protest may be made orally or in writing by any interested person. Any
24 protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and
25 shall clearly set forth the irregularity or defect to which the objection is made.

26 B. Every written protest shall be filed with the City Clerk at or before the
27 time fixed for the public hearing. The City Council may waive any irregularity in the form
28 or content of any written protest and at the public hearing may correct minor defects in the

1 proceedings. A written protest may be withdrawn in writing at any time before the
2 conclusion of the public hearing.

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

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

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

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

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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 8, 2015, by the following vote:

Ayes: Councilmembers: Gonzalez, Lowenthal, Price,
Supernaw, Mungo, Andrews, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Uranga.

Maria del B. Garcia
City Clerk

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EXHIBIT "A"

1 hearing was granted and held.

2 E. All protests, both written and oral, made or filed were duly overruled
3 and denied and the City Council determined that there was no majority protest within
4 the meaning of Section 36525 of the law.

5 F. That following such hearing, the City Council hereby finds that the
6 businesses lying within the area herein created, in the opinion of the City Council, will
7 be benefitted by the expenditures of funds raised by the assessment or charges
8 proposed to be levied hereunder.

9 Sec. 2. That pursuant to said law, the Long Beach Tourism
10 Business Improvement Area (LBTBIA) is hereby established in the City of Long Beach
11 as herein set forth and that all businesses in the area established by this ordinance
12 shall be subject to any amendments made hereafter to said law or to other applicable
13 laws.

14 Sec. 3. The boundaries of the LBTBIA shall be the Airport District
15 and the Downtown District located within the City of Long Beach as illustrated on the
16 attached map (Exhibit A). The Airport District is bounded by Redondo Avenue, Carson
17 Street, Bellflower Boulevard, and East Stearns Street. The Downtown District is
18 bounded by Third Street, Alamitos Avenue, Queensway Bay (including the Queen
19 Mary, excluding Queensway Harbor and the Long Beach Marina), and Highway 710.

20 The proposed LBTBIA will include all hotels, with greater than thirty (30)
21 rooms, within the LBTBIA boundaries which include the Airport District and the
22 Downtown District. The assessment shall be levied on all hotel businesses, existing
23 and future, with greater than thirty (30) rooms, within the area based upon three percent
24 (3%) of the gross short term room rental revenue. The assessment will be collected
25 monthly, based on three percent (3%) of the gross short term room rental revenues for
26 the previous month. New hotel businesses within the boundaries will not be exempt
27 from the levy of assessment pursuant to Section 36531. Pursuant to the Long Beach
28 Municipal Code, assessments pursuant to the LBTBIA shall not be included in gross

1 room rental revenue for purpose of determining the amount of the transient occupancy
2 tax. As used in this Ordinance, the phrase "short term room rental" shall mean
3 occupancies that last less than fifteen (15) consecutive days and shall not include
4 occupancies related to state and federal government business by state and federal
5 government employees, shall not include occupancies paid by LA County Social
6 Service vouchers and shall not include airline crew room occupancies.

7 Sec. 4. That the City Council hereby levies and imposes and orders
8 the collection of, along with the City's usual annual business license fee, an additional
9 assessment to be imposed upon persons occupying business premises in the proposed
10 area described above, which shall be calculated pursuant to Section 3 above. Such
11 levy shall begin on August 1, 2005, and its fiscal year shall be from October 1 through
12 September 30.

13 Sec. 5. That the proceeds of the additional business license tax
14 shall be spent to promote tourism, and pay for related administrative costs, within the
15 boundaries of the LBTBIA. Funds remaining at the end of any LBTBIA term may be
16 used in subsequent years in which LBTBIA assessments are levied as long as they are
17 used consistent with the requirements of this Section.

18 The City Council of the City of Long Beach shall have sole discretion as to
19 how the revenue derived from said additional business license tax is to be used within
20 the scope of the above purposes; however, it shall consider recommendations as to the
21 use of said revenue made by the Advisory Board created by Section 6 of this
22 Ordinance.

23 Sec. 6. That the Board of Directors of the Long Beach Area
24 Convention & Visitors Bureau is hereby appointed as the Advisory Board for the area
25 pursuant to Section 36530 of the law.

26 Sec. 7. If any section, subsection, sentence, clause or phrase of this
27 ordinance is for any reason held to be invalid or unconstitutional by the decision of any
28 court of competent jurisdiction, such decision shall not affect the validity of the



