An Ordinance of the City of Los Angeles establishing a Landscaping, Security, Programming, and Maintenance Property and Business Improvement District to be known as the "Greater Leimert Park Village/Crenshaw Corridor Business Improvement District."

WHEREAS, Sections 6.600 through 6.620 of Chapter 9 of Division 6 of the Los Angeles Administrative Code, adopted as City Ordinance 173,167 authorize the establishment of special districts known as "Landscaping, Security, Programming and Maintenance Property Business Improvement Districts" including the levying of assessments on real property for the improvements, maintenance and activities of specifically defined commercial districts of the City within special economic incentive zones; and,

WHEREAS, a petition has been filed by property owners in the Greater Leimert Park Village/Crenshaw Corridor business community, with the subject properties being located in a qualifying special economic incentive zone, who will pay more than 30 percent of the total amount of assessments to be levied, requesting the City Council to establish such a district to be named the Greater Leimert Park Village/Crenshaw Corridor Business Improvement District; and,

WHEREAS, after a public hearing the City Council on October 29, 2002 adopted an Ordinance of Intention to establish the Greater Leimert Park Village/Crenshaw Corridor Business Improvement District; and,

WHEREAS, the tabulation of ballots received as required pursuant to California Constitution Article XIID have not resulted in a majority protest,

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

Section 1. DISTRICT ESTABLISHMENT. Pursuant to Sections 6.600 through 6.620 of Chapter 9 of Division 6 of the Los Angeles Administrative Code ("Code") there is hereby established a Landscaping, Security, Programming, and Maintenance Property and Business Improvement District to be named the Greater Leimert Park Village/Crenshaw Corridor Business Improvement District ("District").

Section 2. DISTRICT BOUNDARIES. The boundaries of the Greater Leimert Park Village/Crenshaw Corridor Business Improvement District are described and illustrated in the Management District Plan and in the Preliminary Report of the City Clerk, which are on file in the Office of the City Clerk as Council File 02-2283 and which are incorporated by reference as though fully set forth herein.

Section 3. MANAGEMENT DISTRICT PLAN. The Management District Plan, less supplemental appendices or attachments, if any, which are not required for inclusion by the Code, which is attached hereto and incorporated by reference to satisfy Code requirements as though fully set forth herein, contains the following:

(a) A map of the District in sufficient detail to locate each parcel of property within the District.
(b) The name of the District and the period of time for which the improvements are to be made.
(c) A description of the boundaries of the District, including the boundaries of any
benefit zones, in a manner sufficient to identify the lands included.

(d) The improvements and activities for each year of operation of the District and the maximum cost thereof.

(e) The total annual amount to be expended for improvements, maintenance and operations.

(f) The source or sources of financing including the method and basis of levying the assessment in sufficient detail to allow each property owner to calculate the amount of the assessment to be levied against his or her property, including a statement, if applicable, setting forth the requirement to provide completion bonds for any improvements which are constructed.

(g) A description of the improvements and the time and manner of collecting the assessments.

(h) Any rules and regulations to be applicable to the District.

(i) A statement, placed in a conspicuous place on the Management District Plan, stating that assessments for the maintenance of improvements constructed by the District, if any, shall continue to be levied on each parcel of land within the District for a period of time equal to the useful life of the improvement, as determined by the City Clerk, regardless of whether the District is disestablished or the term of the original levy has expired.

(j) A list of the properties to be assessed, including the Assessor's Parcel Numbers, and a statement of the method or methods by which the expenses of the District will be imposed upon benefitted real property, in proportion to the benefit received by the property, to defray the cost thereof, including operation and maintenance.

Section 4. BASELINE SERVICE LEVEL. It is the intent of the City Council that the level of services presently being provided by the City in the area within the District will not be affected by the establishment of the District or the levying of the assessments.

Section 5. COMPLETION BOND. A completion bond will be required for any improvements constructed by the District and assessments for the maintenance of such improvements constructed by the District, if any, shall continue to be levied on each parcel of land within the District for a period of time equal to the useful life of the improvement, as determined by the City Clerk, regardless of whether the District is disestablished or the term of the original levy has expired.

Section 6. PUBLIC HEARING. A public hearing was conducted before the City Council on October 29, 2002 in the John Ferraro Council Chamber in Room 340 at City Hall, 200 North Spring Street, Los Angeles, California 90012, at approximately 10:00 a.m., at which time the City Council adopted Ordinance of Intention Number 174,945 to establish the District.

Section 7. PUBLIC MEETING. A public meeting was conducted before the City Council on November 12, 2002 in the John Ferraro Council Chamber in Room 340 at City Hall, 200 North Spring Street, Los Angeles, California 90012, at approximately 10:00 a.m., at which time the City Council allowed public testimony and comments regarding the District and the proposed special assessment.

Section 8. PUBLIC HEARING. A public hearing was conducted before the City Council on December 17, 2002 in the John Ferraro Council Chamber in Room 340 at City Hall, 200 North Spring Street, Los Angeles, California 90012, at approximately 10:00 a.m., at which time the City Council heard all interested persons for or against the establishment of the District, the extent of the District, the furnishing of specified types of improvements or activities, and the levying of a new assessment.
Section 9. PUBLIC HEARING. A public hearing was conducted before the City council on December 18, 2002 in the John Ferraro Council Chamber in Room 340 at City Hall, 200 North Spring Street, Los Angeles, California 90012, at approximately 10:00 a.m., at which time the City Council announced the tabulation of the ballots.

Section 10. BALLOT TABULATION. Ballots submitted in opposition to the District did not exceed ballots submitted in favor of the District. In tabulating the ballots received, the ballots were weighted according to the proportional financial obligation of the affected property. Because the value of opposing ballots received did not exceed the value of supporting ballots received, a majority protest is hereby found to not exist.

Section 11. SOURCE AND USE OF FUNDING. The improvements and activities to be provided in the District will be funded by the levy of a special assessment. Revenue generated within the District by the assessment shall not be used to provide improvements or activities outside of the District, or for any purpose other than the purposes specified in the Ordinance of Intention, as adopted by the City Council at the hearing concerning the establishment of the District.

Section 12. FINDING OF BENEFIT. The City Council hereby finds that the property within the District will be benefitted by the improvements and activities to be funded by the levy of the special assessment. The City Council further finds that in accordance with Article XIIIID of the California Constitution, it has been demonstrated by clear and convincing evidence that City-owned properties would not receive the same amount of special benefit from paying the BID assessment at the full rate as the adjacent or other similarly located privately-owned properties in the District and that these assessments be adjusted accordingly. The City Council hereby finds that the properties within the District zoned solely for residential use receive no special benefit from the improvements or services funded through these assessments, and shall not be subject to any assessment.

Section 13. SPECIAL FUND ESTABLISHMENT. The assessment authorized by the adoption of this Ordinance shall be collected and placed in a Special Trust Fund to be established and to be known as the Greater Leimert Park Village/Crenshaw Corridor Business Improvement District Fund. All interest and other earnings attributable to assessments, contributions and other revenue deposited in the Special Fund shall be credited to the Fund.

Section 14. BILLING AND COLLECTION OF ASSESSMENT. If necessary, the billing and collection of the special assessment for the first operating year will be accomplished by the City Clerk’s Office, mailing assessment notices ("Statement of Assessment Due"), to each property owner in the District at the address shown on City records, with such assessments becoming due thirty (30) calendar days from the date of the assessment notice.

For all subsequent operating years of the District, the City Clerk’s Office will submit special assessment data for each property owner to the County of Los Angeles to be placed on the County tax rolls and billed along with the County property taxes.

Section 15. PENALTY FOR DELINQUENT PAYMENT. No property owner shall fail to pay or refuse to pay the assessment hereby imposed. For the first operating year of the District, any property owner who fails to pay the assessment levied shall first receive a notice of failure to pay ("Notice of Delinquent Assessment") and fifteen (15) calendar days to remit the full amount due.

If the property owner fails to pay at that time, the City shall add a penalty of ten percent (10%) of the assessment amount on the first calendar day after the date due thereof,
providing however that the penalty amount to be added shall not exceed one hundred percent (100%) of the base assessment amount. If the property owner continues to fail to pay, an action may be brought by the City of Los Angeles in a court of competent jurisdiction.

For all subsequent operating years of the District, all billing, collection, and delinquencies for the District will be processed by the County of Los Angeles and subject to the penalties imposed by the County of Los Angeles.

Section 16. CERTIFICATION. The City Clerk shall certify the passage of this Ordinance and have it published in accordance with City 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 in the Main Street lobby of City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance of the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance of the Los Angeles County Hall of Records.

I certify that the foregoing Ordinance was introduced at the meeting of the Council of the City of Los Angeles on

DEC 18 2002

and was adopted at its meeting of

DEC 18 2002

J. MICHAEL CAREY, City Clerk

Approved as to Form and Legality
ROCKY DELGADILLO, City Attorney

By

Deputy

City Attorney

12-13-02

Date

JAMES K. HAHN, Mayor

DEC 30 2002

Date

Council File No. 02-2283

____/____ ASD