

ORDINANCE NO. _____

An ordinance of the City of Los Angeles confirming the annual report and levying of special assessments upon businesses located within the Wilshire Center Business Improvement District (District) for the fiscal and program year beginning January 1, 2013 through December 31, 2013 (fiscal year 2013), as provided for in Section 36500 *et seq.*, of the California Streets and Highways Code (Act).

WHEREAS, on October 31, 1995, the City Council adopted Ordinance No. 170,755, establishing the Parking and Business Improvement District known as the Wilshire Center Business Improvement District; and

WHEREAS, the Advisory Board for the District has caused to be prepared the required annual report for the District for fiscal year 2013; and

WHEREAS, during a public meeting on November 21, 2012, the City Council adopted Ordinance No. 182315, an Ordinance of Intention, to confirm the annual report for the District for fiscal year 2013; and

WHEREAS, during the same public meeting the City Council did declare its intention to confirm the annual report and to levy special assessments upon businesses located within the District for fiscal year 2013; and,

WHEREAS, the adoption of this ordinance follows a public hearing, as provided for in Section 36535 of the Act.

NOW THEREFORE,

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

Section 1. FINDINGS. The City Council hereby finds and declares that:

- A. At the public hearing held before the City Council on _____, in the John Ferraro Council Chamber in Room 340 at City Hall, 200 North Spring Street, Los Angeles, California 90012, the City Council heard and considered all written and verbal protests regarding the confirmation of the annual report and levying of special assessments.
- B. There was no majority protest, as defined by Section 36525 of the Act, by the owners of businesses in the District to be assessed.
- C. A special assessment for the District for fiscal year 2013 is hereby authorized to be levied upon businesses located within the boundaries of the District.
- D. Having evaluated the improvements and activities to be provided in the District by the levy of the assessment, as described below in Section 5 of this ordinance and further described in the District annual report, this

Sec. 7. CHANGES TO THE ANNUAL REPORT BY THE CITY COUNCIL.

During the course or upon the conclusion of the public hearing required to levy the special assessment for the subject fiscal year, the City Council may order changes on any of the matters provided in the annual report, including changes in the proposed assessments, the proposed improvements and activities to be funded with the revenues derived from the levy of the special assessment, and the proposed boundaries of the District and any benefit zones within the District. The City Council shall not change the boundaries of the District to include any territory that will not, in its judgment, benefit from the improvements or activities.

Sec. 8. SPECIAL FUND. The special assessment authorized by this ordinance shall be billed and collected by the City, with all funds collected to be placed in a special fund known as the "Wilshire Center Business Improvement District Fund" (Fund). All interest and other earnings attributable to the assessments, contributions and other revenue deposited in the Fund shall be credited to the Fund.

Sec. 9. BILLING AND COLLECTION OF ASSESSMENT. After the effective date of this ordinance, the billing and collection of the special assessment will be accomplished by the mailing of assessment notices (Statement of Assessment Due) to each business owner in the District, to the address shown on City records, with the assessments becoming due 45 calendar days from the notice date on the Statement of Assessment Due.

Sec. 10. PENALTY FOR DELINQUENT PAYMENT. No business owner shall fail to pay or refuse to pay the special assessment hereby imposed. Any business owner who fails to pay the special assessment levied shall receive a notice of failure to pay (Notice of Delinquent Assessment) on or about the 46th calendar day from the notice date on the Statement of Assessment Due.

If the business owner has not paid the full assessment, the City shall add a penalty of 10% of the assessment amount on the 46th day and every 30 days thereafter, until which time the assessment and applicable penalties are paid in full. If the business owner continues to fail to pay, an action may be brought by the City of Los Angeles in a court of competent jurisdiction. The penalty amount to be added shall not exceed 100% of the base assessment amount.

Sec. 11. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with 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 at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
CHRISTY NUMANO

Deputy City Attorney

Date 11/30/12

File No. 12-1696