

ORDINANCE NO. 3175

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
ADDING CHAPTER 3.52 TO THE HUNTINGTON BEACH
MUNICIPAL CODE (NEW) ESTABLISHING THE HUNTINGTON BEACH
AUTO DEALERS BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the City Council of the City of Huntington Beach has now determined to establish a Business Improvement District to provide for the imposition of a benefit assessment and to adopt an ordinance to such effect,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Intent and Purpose. On August 17, 1992, the City of Huntington Beach (the "City") adopted Resolution No. 6415 (the "Resolution"), declaring its intention to establish a business improvement area (herein referred to as the "District") and to levy a benefit assessment on all businesses within said District, the proceeds of which shall be used for the public purposes therein described, pursuant to the Parking and Business Improvement Area Law of 1989, Part 6 (commencing with Section 36500) of Division 18 of the California Streets and Highways Code (the "Act"). On September 8, 1992, the City Council held a duly noticed public hearing and introduced Ordinance No. 3175.

The City Council has heard and considered all oral and written protests or other comments regarding such proposed action, and written protests from businesses in

the proposed area paying a majority of the proposed assessment have not been received and the City Council finds, based on all evidence presented that the businesses within the District will be benefited by the expenditure of the funds raised by the assessments proposed to be levied.

SECTION 2. Definitions. Businesses to be assessed are those classified by the City of Huntington Beach Business License Code as Class A. Retail sales (AI), auto; new, used, parts.

SECTION 3. Establishment of Area. A parking and business improvement area to be known as the "Huntington Beach Auto Dealers Business Improvement District" (the "District") is hereby established pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highway Code Section 36500, et seq. The boundaries of the District and the benefit zones within the District are generally located on Beach Boulevard, and set forth with greater specificity in the following map and list Exhibits A-1 and A-2.

SECTION 4. Boundary Modification. The City Council may modify the boundaries or assessments, established by this Ordinance; the modifications shall be made pursuant to the requirements of the Act, but no assessment shall be modified which would impair the ability of the District to meet the obligation of a contract to be paid from the revenues derived from the levy of assessments.

SECTION 5. Collection of Benefit Assessment. The benefit assessment authorized by this Ordinance shall be billed by the City in monthly installments with all funds collected being remitted within (thirty) 30 days of receipt to the Huntington Beach Auto Dealers Association or such other entity or organization as is mutually agreed upon by said Association and City. This will be accomplished by mailing assessment notices monthly to all businesses as herein defined within District by first class mail to be due 30 days from date of invoice. The levy of assessments will commence on the first day of the month following the issuance of the Certificate of Occupancy by the City for installation and full operation of the Auto Dealers directory reader board sign within the District.

SECTION 6. Changes in Assessments. Any businesses covered by this Chapter shall also be subject to changes which may be made in the assessments or in the uses to which the revenues shall be put, as specified in this Ordinance and as permitted by the Act; such changes shall be made by later ordinance adopted after a hearing before the City Council, or by Resolution, if approved in conjunction with confirmation of the Annual Report

SECTION 7. Business Classifications/Benefit Assessment. For purposes of the assessments to be imposed pursuant to this Ordinance, the City Council may make a

reasonable classification of business, giving consideration to various factors, including general benefit to businesses and the degree of benefit received from programs of the District. All businesses, as defined in Section 2 hereof, located within the Huntington Beach Auto Dealers

Improvement District are assessed and classified as follows:

<u>Business Type</u>	<u>Assessment Formula</u>	<u>Per Month</u>
1. Auto-New, Used, Parts	a) Director Sign Trust Account for 60 months	\$ 435
	b) Sign Maintenance	\$ 400
	c) Administrative Costs (Dealers)	\$ 200
	d) Property Tax	\$ 30
	e) Insurance	\$ 50
	f) Collection/Disbursement Costs (City/Bank)	\$ 25
2. All other business, if any		-0-
	Total	\$1,140
	Total After 60 Months	\$ 705

(a) Business owners with multiple dealerships at the same location or adjacent locations having a common method of access and egress shall pay one benefit assessment fee.

(b) Business owners with multiple dealerships at non-adjacent multiple locations shall be assessed for each such location.

SECTION 8. Benefits to Business/Restriction on Use.

The assessments levied on businesses pursuant to this Ordinance shall, to the maximum extent feasible, be levied on the basis of the estimated benefit to the businesses

within the District and the revenues from the levy of assessments shall not be used to provide improvements or activities outside of the District or for any other purpose not specified in said Resolution of Intention.

SECTION 9. Penalty for Delinquent Payment. For failure to pay a benefit assessment when due, the City shall add a penalty of ten percent (10%) of the assessment amount on the last calendar day of each month after the date due thereof, providing that the penalty amount to be added shall in no event exceed one hundred percent (100%) of the assessment amount due. No City business license shall be knowingly issued or renewed to any business which, at the time of making application for any license or renewal thereto, is indebted to the City for any delinquent benefit assessment.

SECTION 10. Advisory Board.

(a) Appointment. The City Council shall appoint an Advisory Board which shall make recommendations to the City Council on the expenditure of revenues derived from assessments pursuant to this part, on the classification of businesses, and on the method of levying the assessments.

(b) Annual Report. The Advisory Board shall prepare a report for each fiscal year for which assessments are to be levied. The report shall be filed with the City Clerk and shall comply with all the requirements of Streets and Highways Code Section 36533.

(c) Approval of Report. The City Council may approve the annual report filed by the Advisory Board or may modify any particular item contained in the report and approve it as modified. The City Council shall not approve a change in the basis or method of levying assessments which would impair an executed contract to be paid from the revenues derived from the assessments.

SECTION 11. Annual Approval/Resolution. After approval of the report filed by the Advisory Board, the City Council pursuant to Section 36534 of the Act, shall adopt annually a resolution of intention to levy an assessment for that fiscal year. The City Council shall hold a public hearing prior to the adoption of a resolution confirming the Annual Report and Levy of Assessments.

SECTION 12. Public Hearing. A public hearing shall be held pursuant to the requirements of Parking and Business Improvement Area Law of 1989.

SECTION 13. Area Establishment and Disestablishment. All provisions of this Chapter applicable to the establishment or disestablishment of an area shall apply to the establishment, modification, or disestablishment of benefit zones pursuant to Section 36500, et seq. of the California Streets & Highways Code, and subject to any amendments thereof, and the establishment or the modification of any benefit zone shall follow the same

procedures as provided for the establishment of a parking and business improvement area and the disestablishment of a benefit zone shall follow the same procedure as provided for disestablishment of an area.

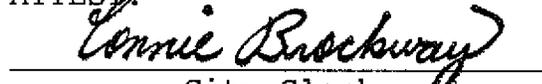
SECTION 14. This ordinance shall take effect 30 days after passage.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 21st day of September, 1992.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



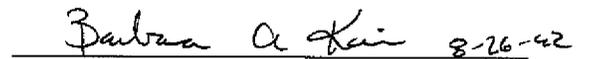
City Attorney *MS 7-31-92*

REVIEWED AND APPROVED:

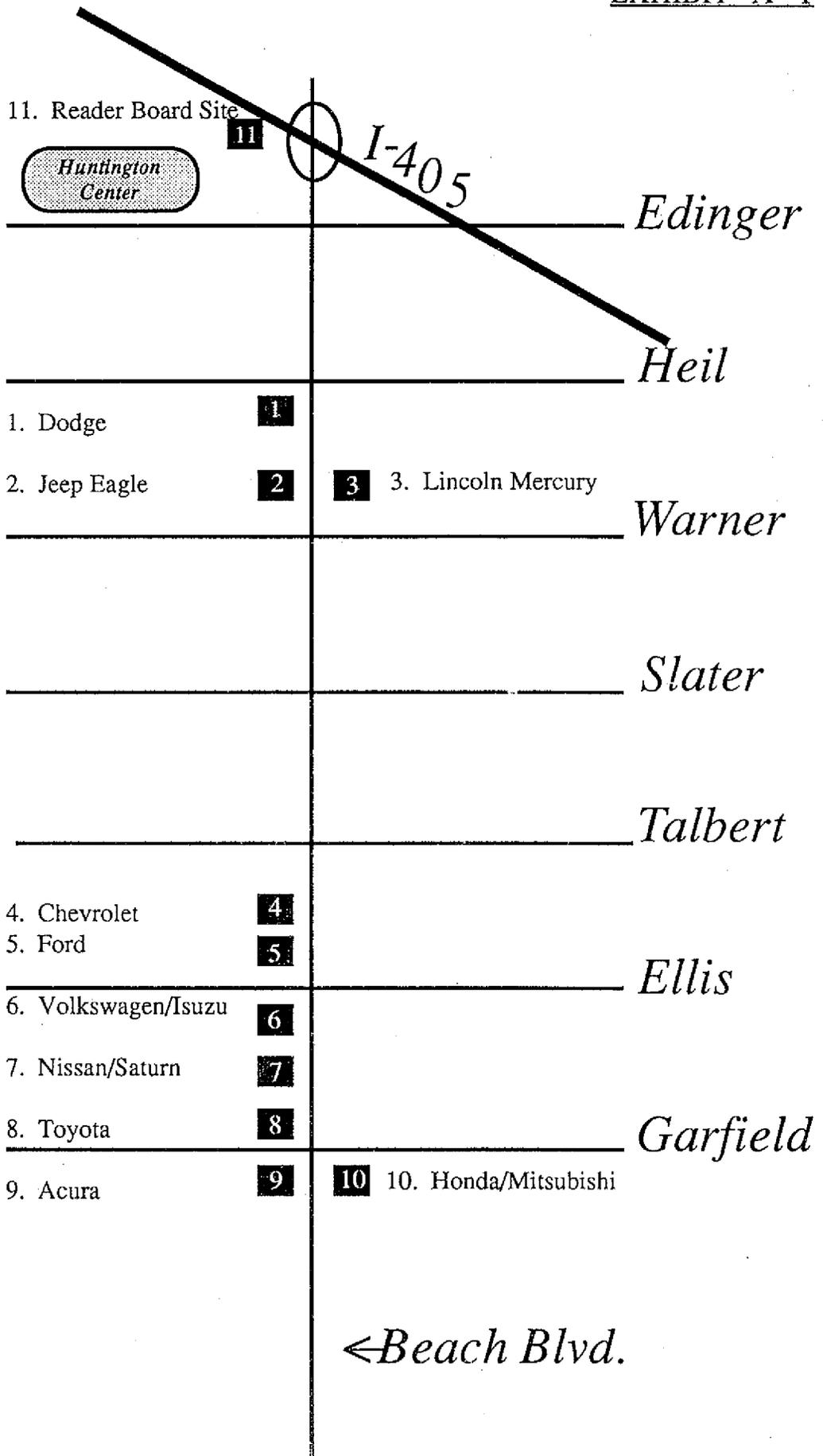


City Administrator

INITIATED AND APPROVED:



Director, Economic Development *8-26-92*



11. Reader Board Site

Huntington Center

11

I-405

Edinger

Heil

1. Dodge

1

2. Jeep Eagle

2

3

3. Lincoln Mercury

Warner

Slater

Talbert

4. Chevrolet

4

5. Ford

5

Ellis

6. Volkswagen/Isuzu

6

7. Nissan/Saturn

7

8. Toyota

8

Garfield

9. Acura

9

10

10. Honda/Mitsubishi

← Beach Blvd.

HUNTINGTON BEACH
AUTOMOBILE DEALERS ASSOCIATION, INC.

1. Clay James
Huntington Beach Dodge
16555 Beach Boulevard
Huntington Beach, CA 92647
847-5515 FAX# 842-7408
 2. Rick Evans
Huntington Jeep Eagle
16751 Beach Boulevard
Huntington Beach, CA 92647
841-3999 FAX# 841-4848
 3. Chet Clark
Beach Lincoln-Mercury
16800 Beach Boulevard
Huntington Beach, CA 92647
848-7739 FAX# 847-1265
 4. Dave De Lillo
Bill Demarest
De Lillo Chevrolet
18211 Beach Boulevard
 5. Ed Coscolluela
Terry York Ford
18255 Beach Boulevard
Huntington Beach, CA 92648
842-6611 FAX# 847-8788
 6. Danny McKenna
Don Stephens
South County Volkswagen/Isuzu
18711 Beach Boulevard
Huntington Beach, CA 92648
842-2000 FAX# 841-7819
 7. Steve Parajekas
Campbel Nissan/Saturn
18835 Beach Boulevard
Huntington Beach, CA 92648
842-7781 FAX# 848-6569
 8. Jack Caswell
Bill Maxey Toyota
18881 Beach Boulevard
Huntington Beach, CA 92648
847-8555 FAX# 841-9857
 9. Dan Powers
Huntington Beach Acura
19131 Beach Boulevard
Huntington Beach, CA 92648
842-0095 FAX# 841-3524
 10. Roger Miller
Roger Miller Honda/Mitsubishi
19232 Beach Boulevard
Huntington Beach, CA 92646
963-1965 FAX# 964-7495
 11. Reader Board Sign Site
City of Huntington Beach
7991 Center Avenue
Huntington Beach, CA 92647
- Mail to:
Barbara A. Kaiser, Director
Economic Development
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

TA:sar
08/25/92 (1268r)

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF HUNTINGTON BEACH)

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach and ex-officio Clerk of the City Council of the said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 8th day of September 19 92, and was again read to said City Council at a regular meeting thereof held on the 21st day of September, 1992, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Councilmembers:

Robitaille, Moulton-Patterson, Winchell, Silva, Green, MacAllister, Kelly

NOES: Councilmembers:

None

ABSENT: Councilmembers:

None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a copy of this ordinance has been published in the Daily Pilot on 10/1 19 92
In accordance with the Ord. No. 14 of said City.
Connie Brockway
City Clerk
Kate Whitham
Deputy City Clerk

Connie Brockway
City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach, California