ORDINANCE NO. ORD-05-0018

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ESTABLISHING THE LONG BEACH
TOURISM BUSINESS IMPROVEMENT AREA (LBTBIA),
FIXING THE BOUNDARIES THEREOF, PROVIDING FOR
THE LEVY OF AN ADDITIONAL BUSINESS LICENSE TAX
TO BE PAID BY BUSINESSES IN SUCH AREA AND
ESTABLISHING AN ADVISORY BOARD

The City Council of the City of Long Beach ordains as follows:

Section 1. This Ordinance is made and enacted pursuant to the
provisions of the Parking and Business Improvement Area Law of 1989 (Sections
36500, et. seq., of the Streets and Highways Code) (the “law”).

A. On May 24, 2005, the City Council of the City of Long Beach
adopted Resolution No. RES-05-0031 entitled, “A Resolution of Intention of the City
Council of the City of Long Beach Declaring the Intention of the City Council to
Establish the Long Beach Tourism Business Improvement Area (LBTBIA) and Fixing
the Time and Place of a Hearing Thereon and Giving Notice Thereof”.

B. Said Resolution No. RES-05-0031 was published and copies
thereof were duly mailed and posted, all as provided by said law and said Resolution
No. RES-05-0031.

C. Pursuant to said Resolution No. RES-05-0031, a hearing
concerning the formation of said area was held before the City Council of the City of
Long Beach on June 21, 2005 at 5:00 p.m. in the Council Chambers of the City Hall of
the City of Long Beach.

D. All written and oral protests made or filed were duly heard,
evidence for and against the proposed action was received, a full, fair and complete
E. All protests, both written and oral, made or filed were duly overruled and denied and the City Council determined that there was no majority protest within the meaning of Section 36525 of the law.

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

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

Sec. 3. 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 (Exhibit A). The Airport District is bounded by Redondo Avenue, Carson 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.

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

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

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

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

Sec. 7. If any section, subsection, sentence, clause or phrase of this
ordinance is for any reason held to be invalid or unconstitutional by the decision of any
court of competent jurisdiction, such decision shall not affect the validity of the
remaining portions of the ordinance. The City Council hereby declares that it would
have passed this ordinance and each section, subsection, sentence, clause and phrase
hereof, irrespective of the fact that any one or more of the sections, subsections,
sentences, clauses or phrases hereof be declared invalid or unconstitutional.

Sec. 8. The City Clerk shall certify to the passage of this ordinance
by the City Council and cause it to be posted in three conspicuous places in the City of
Long Beach, and it shall take effect on the thirty-first day after it is approved by the
Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of
the City of Long Beach at its meeting of July 5, 2005, by the following vote:

Ayes: Councilmembers: Lowenthal, Baker, O'Donnell,
Kell, Richardson, Reyes Uranga,
Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: Colonna.


City Clerk

Approved: 7-7-05

Mayor