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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

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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

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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



