RESOLUTION NO. _____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURBANK
DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND
RENEWING THE BURBANK TOURISM BUSINESS IMPROVEMENT
DISTRICT

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. The Property and Business Improvement District Law of 1994 (Streets and
Highways Code §36600 et. seq.) authorizes the City of Burbank (City) to renew
business improvement districts upon petition by a weighted majority of the lodging
business owners located within the boundaries of the district.

B. Lodging business owners who will pay more than 50 percent of the
proposed assessment, as weighted according to the amount of the assessment to be
paid by the petitioner, within the boundaries of the Burbank Tourism Business
Improvement District (T-BID) have petitioned the City Council to renew the T-BID.

C. Included with the petitions was a Management District Plan (Plan)
summary that describes the proposed assessment to be levied on lodging businesses
with 25 rooms or more within the T-BID to pay for sales promotion and marketing
activities, and other improvements and activities set forth in the Plan.

D. The assessed lodging businesses with 25 rooms or more within the T-BID
will receive a specific benefit from the activities and improvements set forth in the Plan.

E. On April 5, 2016, the City Council adopted Resolution No. 16-28,835,
entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BURBANK DECLARING ITS INTENTION TO RENEW THE
BURBANK TOURISM BUSINESS IMPROVEMENT DISTRICT
(T-BID) AND FIXING THE TIME AND PLACE OF A PUBLIC
MEETING AND A PUBLIC HEARING.” (the “Resolution of Intention”).

F. The public meeting and public hearing to consider the renewal of the T-
BID have been properly noticed in accordance with Streets and Highways Code
§36623.

G. On April 26, 2016, the City Council held a public meeting regarding the
renewal of the T-BID, and the City Council heard comments, if any, to the renewal of the
T-BID and the levy of the proposed assessment.

H. On May 24, 2016, the City Council held a public hearing regarding the
renewal of the T-BID, and the City Council heard and received all objections and
protests, if any, to the renewal of the T-BID and the levy of the proposed assessment.
The hearing was properly noticed for May 24, 2016 at 6pm at Council Chambers, 275 E. Olive Ave., Burbank, CA.

I. The City Clerk has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the proposed district which would pay 50 percent or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business.

THE COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.

The Burbank Tourism Business Improvement District is hereby renewed for a 10 year term, beginning July 1, 2016 through June 30, 2026. Upon its effective date, this renewal replaces and supercedes any prior Burbank Tourism Business Improvement District established by the City Council.

2. The Plan dated March 18, 2016 is hereby adopted and approved.

3. The activities to be provided to benefit businesses in the district will be funded by the levy of the assessment. The revenue from the assessment levy shall not be used: to provide activities that directly benefit businesses outside the district; to provide activities or improvements outside the T-BID; or for any purpose other than the purposes specified in this Resolution, the Resolution of Intention, and the Plan.

5. The City Council finds as follows:

a) The activities funded by the assessment will provide a specific benefit to assessed businesses within the T-BID that is not provided to those not paying the assessment.

b) The assessment is a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

c) The assessment is a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product and is not a tax.
d) Assessments imposed pursuant to the T-BID are levied solely upon the assessed business, and the business owner is solely responsible for payment of the assessment when due. If the owner chooses to collect any portion of the assessment from a transient, that portion shall be specifically called out and identified for the transient in any and all communications from the business owner as the “T-BID Assessment.”

6. The assessments levied for the T-BID shall be applied towards sales, promotions and marketing programs and destination development to market Burbank lodging businesses with 25 rooms or more as tourist, meeting and event destinations, and other improvements and activities as set forth in the Plan.

7. Assessments levied on lodging businesses with 25 rooms or more pursuant to this resolution shall be levied on the basis of benefit. Because the services provided are intended to increase room rentals, an assessment based on room rentals is the best measure of benefit.

8. The assessments for the entire District will total approximately $789,000 in year one.

9. Bonds shall not be issued to fund the T-BID.

10. The T-BID shall include all lodging businesses with 25 rooms or more located within the boundaries of the City of Burbank. A boundary map is attached hereto and incorporated herein by reference.

11. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the T-BID assessment is levied as long as they are used consistent with the requirements set forth herein.

12. The assessments to fund the activities and improvements for the T-BID will be collected by the City on a monthly basis, and in accordance with Streets and Highways Code §36631.

13. The City Council, through adoption of this Resolution and the Plan, has the right pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners’ Association of the T-BID as defined in Streets and Highways Code §36612. The City Council has determined that the Burbank Hospitality Association shall be the Owners’ Association.

14. The Burbank Hospitality Association, pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvement and activities described in the report. The first report shall be due after the first year of operation of the district.
15. The adoption of this Resolution, and recordation of the notice and map pursuant to Section 36627 shall constitute the levy of assessment in each of the fiscal years referred to in the management plan.

15. The T-BID established pursuant to this resolution will be subject to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.), and any amendments thereto.

16. The City Clerk, or his or her designee, is directed to take all necessary actions to complete the establishment of the T-BID and to levy the assessments.

17. This Resolution shall take effect immediately upon its adoption by the City Council.

PASSED and ADOPTED this ______ day of ______________, 2016.

___________________________________
Jess Talamantes
Mayor of the City of Burbank

Attest:

___________________________________
Zizette Mullins, CMC, City Clerk

Approved as to Form
Office of the City Attorney:

By: ________________________________
Mary F. Riley
Senior Assistant City Attorney
STATE OF CALIFORNIA       )
COUNTY OF LOS ANGELES     ) ss.
CITY OF BURBANK          )

I, Zizette Mullins, CMC, City Clerk of the City of Burbank, do hereby certify
that the foregoing Resolution was duly and regularly passed and adopted by the Council
of the City of Burbank at its regular meeting held on the __________ day of
_____________________, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Zizette Mullins, CMC, City Clerk