



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 6 - 0 2 7 9
SEP 02 2016

REPORT RE:

DRAFT ORDINANCE REPEALING ORDINANCE OF INTENTION AND ORDINANCE OF ESTABLISHMENT, AND ADOPTING A NEW ORDINANCE OF INTENTION FOR THE FORMATION OF THE VENICE BEACH BUSINESS IMPROVEMENT DISTRICT

The Honorable City Council
of the City of Los Angeles
Room 395 City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 16-0749

Honorable Members:

The Office of the City Attorney has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality, repealing the original Ordinance of Intention (Ordinance No. 184382) and Ordinance of Establishment (adopted August 24, 2016), and adopting a new Ordinance of Intention for the formation of the Venice Beach Business Improvement District (District).

Background and Summary of Ordinance Provisions

On June 29, 2016, the City Council adopted an Ordinance of Intention to consider the establishment of the District and levy assessments on property owners (Ordinance No. 184382). On August 23, 2016, the City Council held a public hearing to determine whether to establish the District and at the conclusion of the public hearing the City Clerk tabulated all the assessment ballots. On August 24, 2016, the results of the tabulation were announced and the City Council adopted the Ordinance of Establishment of the District. That ordinance is not yet legally effective.

In a letter date August 24, 2016, the Legal Aid Foundation of Los Angeles alleged that the formation of the District was legally in jeopardy because not all members of the public who requested to provide testimony during the public hearing were allowed to do so. To address this allegation and mitigate against the potential legal challenge over the District's formation, we recommend that the public hearing upon the proposed assessment be repeated.

In order to repeat the public hearing, State law requires the adoption of a new Ordinance of Intention and new findings to be made in accordance with the City Clerk Report dated June 24, 2016, and other related documents already in Council File No. 16-0749. The new Ordinance of Intention will also provide notice by mail at least 45 days prior to the date of the public hearing. Therefore, we recommend the adoption of the proposed draft Ordinance of Intention for the establishment of the District. The proposed draft ordinance also repeals the original Ordinance of Intention and the recently adopted Ordinance of Establishment.

If you have any questions regarding this matter, please contact Deputy City Attorney Christy Numano-Hiura at (213) 978-7746. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:CNH:pj
Transmittal