

**RESOLUTION NO. 2018 - \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA  
RENEWING THE DOWNTOWN POMONA PROPERTY AND BUSINESS  
IMPROVEMENT DISTRICT, APPROVING THE ASSESSMENT  
FORMULA AND LEVYING THE ASSESSMENTS**

**WHEREAS**, the Property and Business Improvement District Law of 1994, Streets and Highways Code §36600 et seq. authorizes cities to establish and renew property and business improvement districts upon petition by a weighted majority of property owners within the proposed district and affirmative ballot; and

**WHEREAS**, a majority of the property owners subject to assessment, weighted according to the amount of assessment to be paid by each property owner, have petitioned the City Council to renew the Downtown Pomona Property and Business Improvement District (“DPPBID”); and

**WHEREAS**, on May 21, 2018, the City Council adopted Resolution No.2018-56 which was the Resolution of Intention to renew the DPPBID; and

**WHEREAS**, on July 16, 2018, the City Council conducted a public hearing at 7:00 PM at Pomona City Hall located at 505 S. Garey Avenue, Pomona, CA 91766, with respect to the renewal of the DPPBID; and

**WHEREAS**, all written and oral protests made or filed were duly heard, evidence for and against the proposed action was received, and a full, fair and complete hearing was granted and held; and

**WHEREAS**, pursuant to California Constitution Article XIII D, ballots were mailed to property owners within the boundaries of the DPPBID, and, among those ballots returned to the City, a weighted majority of the property owners within the DPPBID have approved renewal of the DPPBID; and

**WHEREAS**, a detailed engineer’s report prepared by a registered professional engineer certified by the State of California, Ross Peabody, in support of the DPPBID’s assessments, has been prepared, is incorporated in the Management District Plan, and is on file with the Office of the City Clerk and is incorporated herein by this reference. (“Engineer’s Report”).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POMONA  
RESOLVES:**

1. The recitals set forth herein are true and correct.
2. The Downtown Pomona Property and Business Improvement District is hereby renewed for a ten (10) year term that will expire on December 31, 2028 and the annual assessment is hereby levied for each year of the entire term of the DPPBID. The initial annual assessment will total approximately \$1,009,643.10.
3. The Management District Plan and the Engineer’s Report are hereby approved.

4. The assessment shall be imposed on properties within the DPPBID. The boundaries of the district include parcels in the downtown area of the City of Pomona.

5. The DPPBID assessment rate is based on parcel type, parcel square footage, parcel frontage, and building square footage. The initial annual assessment rate to each parcel is shown in the table below. Assessment rates may be subject to an increase of no more than two percent (2%) per year.

Initial Parcel Assessment Rates			
Parcel Type	Parcel Size (sq. ft.)	Parcel Frontage (ln. ft.)	Building Size (sq. ft.)
Commercial	\$0.061900	\$17.120	\$0.19300
Parks	\$0.049520	\$13.696	\$0.15440
Private Tax- Exempt	\$0.003095	\$0.856	\$0.00965

6. The Assessment Roll for the Downtown Pomona Property and Business Improvement District, Pomona, State of California has been filed with the City Clerk, and is hereby approved.

7. The assessments shall be collected in accordance with Section 36631 of the Streets and Highways Code.

8. The assessment levied for the DPPBID shall be applied towards security; street improvements and maintenance; marketing, promotions, and special events; and related administration directly and only to assessed parcels within its boundaries.

9. Bonds shall not be issued.

10. Properties within the DPPBID are subject to any amendments to Part 7 (commencing with Section 36600) to Division 18 of the Streets and Highways Code.

11. The improvements and activities to be provided in the DPPBID will be funded by the levy of the assessments specified in the assessment roll. The revenue from the levy of such assessments shall not be used to provide improvements or activities outside the DPPBID or for any purpose other than the purposes specified in the Resolution of Intention and Management District Plan. Notwithstanding the foregoing, improvements and activities that must be provided outside the DPPBID boundaries to create a special benefit to the assessed parcels may be provided, but shall be limited to marketing or signage pointing to the DPPBID.

12. All property within the DPPBID will be benefited specially and directly by the improvements and activities funded by the assessments proposed to be levied.

13. The City Clerk is directed to take all necessary actions to complete the establishment of the DPPBID. The City Clerk is directed to record in the County Recorder's Office a notice and assessment diagram as required by Streets and Highways Code section 36627.

14. If any section, subsection, sentence, clause or phrase of this resolution 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 resolution. The City Council hereby declares that it would have passed this resolution 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 phases hereof be declares invalid or unconstitutional.

15. This resolution shall take effect immediately.

**I MARIE M. MACIAS, HEREBY CERTIFY** that the foregoing Resolution of Intention was introduced and adopted at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_ 2018 by the following vote:

**AYES: Council Members:**  
**NOES: Council Members:**  
**ABSENT: Council Members:**  
**ABSTAIN: Council Members:**

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK