

## RESOLUTION 2022-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SANTA ANA DECLARING ITS INTENTION TO  
DISESTABLISH THE DOWNTOWN SANTA ANA BUSINESS  
IMPROVEMENT DISTRICT

WHEREAS, on February 6, 1984, in accordance with California Streets and Highways Code section 36500 et seq., the City of Santa Ana adopted Ordinance No. NS-1715, by which the Downtown Santa Ana Business Improvement Area was established ("Downtown BID") as a means of providing the Downtown business community with funding to promote and market the Downtown area; and

WHEREAS, such funding has been generated through an annual levy of assessments on businesses located within the Downtown BID according to the formula described in Ordinance No. NS-1715; and

WHEREAS, the City Council appointed the Community Development Commission to serve as the BID Advisory Board to make recommendations to the City Council on the expenditure of revenues derived from the levy of assessments, on the classification of businesses, as applicable, and on the method and basis of levying the assessments; and

WHEREAS, at its regular meeting on October 26, 2022, by a majority vote, the Community Development Commission recommended that the City Council dissolve the Downtown BID; and

WHEREAS, at its regular meeting on November 15, 2022, by a majority vote, the City Council approved the recommendation to dissolve the Downtown BID; and

WHEREAS, section 36550 of the California Streets and Highways Code authorizes the City Council to disestablish a business improvement area by ordinance after adopting a resolution of intention prior to conducting a public hearing on the ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Santa Ana as follows:

**Section 1.** In accordance with section 36550 of the California Streets and Highways Code, the City Council of the City of Santa Ana hereby declares its intention to disestablish the Downtown BID for the reasons discussed on record at the Santa Ana City Council meeting on November 15, 2022.

**Section 2.** Notice is hereby given that on January 17, 2023, at 5:45 P.M. or as soon as possible thereafter, in the Santa Ana City Council Chambers, 22 Civic Center Plaza, Santa Ana, California, a public hearing will be held by the City Council to consider an ordinance dissolving the Downtown BID, at which time any and all persons interested in or objecting to the proposed dissolution may appear and be heard.

**Section 3.** Upon disestablishment of the Downtown BID, there shall be a proposal to dispose of any assets, if any, acquired with the revenues of the assessments levied within the Downtown BID.

**Section 4.** Upon disestablishment of the Downtown BID, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be refunded in the manner required by section 36551 of the California Streets and Highways Code.

**Section 5.** The Clerk of the Council is directed to give notice of the above-referenced public hearing in accordance with section 36523 of the California Streets and Highways Code, which section requires publication of this Resolution in a newspaper of general circulation in the City once, for at least seven days before the public hearing, and the mailing of a complete copy of this Resolution by first-class mail to each business owner assessed in the Downtown BID within seven days of the City Council's adoption of this Resolution.

**Section 6.** This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By: John M. Funk  
John M. Funk  
Chief Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

NOT PRESENT: Councilmembers \_\_\_\_\_

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, \_\_\_\_\_, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2022-\_\_\_\_ to be the original Resolution adopted by the City Council of the City of Santa Ana on \_\_\_\_\_, 2022.

Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Council  
City of Santa Ana