

ORDINANCE NO. 2011-16

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
TO DISESTABLISH THE DOWNTOWN
BUSINESS IMPROVEMENT DISTRICT AND
RESCIND ESCONDIDO MUNICIPAL CODE
CHAPTER 16C

WHEREAS, City Council established a Downtown Business Improvement District ("BID") pursuant to the California Streets and Highways Code Section 36500 *et seq.* by Ordinance No. 89-28, dated June 14, 1989; as revised by Ordinance No. 91-37, dated October 2, 1991; and

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

WHEREAS, the services provided and funded through the BID are no longer desired; and

WHEREAS, on October 5, 2011, the City Council adopted a Resolution of Intention to Disestablish the BID pursuant to Streets and Highways Code Section 36550 and to set a public hearing on the disestablishment; and

WHEREAS, City staff complied with the noticing and publishing requirements of Streets and Highways Code Section 36523 by publishing the Resolution of Intention to Disestablish the BID with the North County Times seven days prior to the public hearing

on November 2, 2011, and sending a copy of the resolution to each business in the BID within seven days of the City Council's adoption of the resolution; and

WHEREAS, Escondido Municipal Code Chapter 16C establishing and pertaining to the BID will no longer be effective once the BID is disestablished and should therefore be rescinded and reserved; and

WHEREAS, a duly noticed public hearing was held by the City Council on November 2, 2011 at 4:30 p.m. regarding the disestablishment of the BID.

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. The recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. That upon consideration of the staff report and all public testimony presented at the hearing held, this City Council desires at this time and deems it to be in the best public interest to disestablish the BID pursuant to the provisions of the Streets and Highways Code Section 36550.

SECTION 3. Any remaining revenues derived from the levy of assessments will be refunded to the owners of the businesses, applying the same method and basis that was used to calculate the levied assessments.

SECTION 4. That Escondido Municipal Code Chapter 16C entitled "Escondido Downtown Business Improvement District" is rescinded and reserved.

SECTION 5. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of

competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and the disestablishment of the BID and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 9th day of November, 2011 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MORASCO, ABED

NOES : Councilmembers: NONE

ABSTAIN : Councilmembers: WALDRON

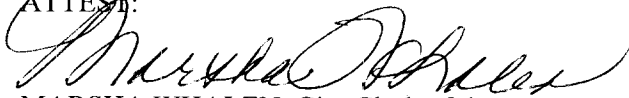
ABSENT : Councilmembers: NONE

APPROVED: 4/1



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



MARSHA WHALEN, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, MARSHA WHALEN, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2011-15 passed at a regular meeting of the City Council of the City of Escondido held on the 9th day of November, 2011, after having been read at the regular meeting of said City Council held on the 2nd day of November, 2011.



MARSHA WHALEN, City Clerk of the
City of Escondido, California

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