

RESOLUTION 2023-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR 2023-2024 FISCAL YEAR FOR THE FORTUNA BUSINESS IMPROVEMENT DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

WHEREAS, in 1990, the City Council of the City of Fortuna established the Fortuna Business Improvement District (“FBID”) under the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code §§ 36500 et seq.);

WHEREAS, FBID continues to confer a special benefit on those businesses subject to the annual assessment;

WHEREAS, on May 1, 2023, the Council received and filed the annual report of the FBID advisory board without modification [or] as modified by the City Council;

WHEREAS, pursuant to Section 36534 of the California Streets and Highways Code, the City Council, by this Resolution, provides notice of its intent to levy the annual assessment for the 2023-2024 fiscal year, as more particularly set forth below, and of the time and place for a public hearing on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The recitals set forth above are true and correct.
2. The City Council does not propose a change to the boundaries of the Fortuna Business Improvement District, or any benefit zone with the district. The boundaries of the district, and each benefit zone therein, shall remain as previously set by ordinance.
3. The City Council intends to levy and collect assessments in the amounts set forth in Ordinance 2022-756, as detailed in the Annual Report.
4. The activities and improvements authorized by section 5.40.070 of the Fortuna Municipal Code shall remain unchanged for the 2023-2024 Fiscal Year.
5. Reference is made hereto to the Annual Report approved by the Council on May 1, 2023, and on file with the City Clerk for a full and detailed description of the improvements and activities provided for the 2023-2024 Fiscal Year, the boundaries of the area and any benefit zones within the area, and the proposed assessments to be levied upon the businesses within the area for that fiscal year.
6. The time and place for a public hearing to be held by the City Council on the levy of the proposed assessment for the 2023-2024 fiscal year are set for June 5, 2023, at 6:00 PM, at

City Hall located at 621 11th Street, Fortuna, CA 95540. The clerk shall give notice of the public hearing by causing the resolution of intention to be published once in a newspaper of general circulation in the City not less than seven days before the public hearing.

7. At the time of the public hearing, written and oral protests may be made in the manner required by section 36524 and 36525 of the California Streets and Highways Code.
8. Every written protest shall be filed with the City Clerk at or before the time fixed for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the City as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with this section shall not be counted in determining a majority protest.
9. If written protests are received from the owners of businesses in the district area which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than that 50 percent, no further proceedings to levy the proposed assessment for the 2023-2024 fiscal year shall be taken for a period of one year from the date of the finding of a majority protest by the City Council.
10. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED and ADOPTED at a regular meeting of the City Council of the City of Fortuna, California, on this 1st day of May 2023 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Tami Trent, Mayor

ATTEST:

Siana L. Emmons, City Clerk