

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA,
AMENDING CHAPTER 14.04 OF THE LANCASTER CITY
CODE RENEWING THE DOWNTOWN LANCASTER
PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the City of Lancaster created the Downtown Lancaster Property and Business Improvement District (“DLPBID”) in 2013 by Resolution No. 13-44; and

WHEREAS, the DLPBID was established for a (5) five-year term beginning January 1, 2014, through December 31, 2018, and was subsequently renewed for another (5) five-year term by Resolution No. 18-40, which ends December 31, 2023; and

WHEREAS, properties who will pay more than fifty percent (50%) of the proposed assessment have petitioned the City Council to renew the DLPBID; and

WHEREAS, included with the petitions was a Management District Plan (Plan) summary that describes the proposed assessment to be levied on assessed properties to pay for clean and safe, marketing and promotions, and related advocacy and administration programs, and other improvements, maintenance, and activities set forth in the Plan; and

WHEREAS, the assessed properties within the DLPBID will receive a specific benefit from the activities, maintenance, and improvements set forth in the Plan; and

WHEREAS, on February 14, 2023, at 5:00 PM at 44933 N. Fern Avenue, Lancaster, CA 93534, the City Council adopted a Resolution of Intention, Resolution No. 23-10; and

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

WHEREAS, the public hearing to consider the renewal of the DLPBID has been properly noticed in accordance with Streets and Highways Code §36623; and

WHEREAS, on April 11, 2023, at 5:00 PM at 44933 N. Fern Avenue, Lancaster, CA 93534, the City Council held a public hearing and conducted the first reading of this Ordinance to renew the DLPBID and continue the levy of assessments, and the City Council heard and received all objections and protests, if any, to the renewal of the DLPBID and the levy of the proposed assessment; and

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

WHEREAS, on May 9, 2023, at 5:00 PM at 44933 N. Fern Avenue, Lancaster, CA 93534, a

final public hearing shall be held, a Resolution of Formation will be subsequently adopted, and a second reading of this Ordinance to renew the DLPBID and to continue the levy of assessments shall be conducted. At the conclusion of the second reading of the Ordinance, the City Council may adopt the Ordinance, renewing the DLPBID and levying the assessment; 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, the City Council finds and declares that the properties within the DLPBID will receive a special benefit from the improvements, maintenance and activities funded by the assessments to be levied; and

WHEREAS, the City Council hereby reaffirms that the assessment imposed on each parcel does not exceed the reasonable cost of the proportional benefit conferred on that parcel; and

WHEREAS, adoption of this Ordinance does not diminish the legal effect of the adoption of the Resolution of Formation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY ORDAIN, AS FOLLOWS:

Section 1. Chapter 14 of the Lancaster City Code is hereby amended to read as follows:

14.04.050. - Renewed.

The City of Lancaster hereby renews the Downtown Lancaster Property and Business Improvement District (DLPBID), for a ten (10) year life, beginning January 1, 2024, or as soon as possible thereafter, and end ten (10) years from its start date, under the provisions of the Property and Business Improvement District Law of 1994, as set forth in the Streets and Highways Code of the state, Section 36600 et seq.

14.04.060. - Management District Plan.

The Management District Plan (Plan) dated September 16, 2022 is hereby adopted and approved.

14.04.070. - Improvements, Maintenance and Activities.

1. The improvements, maintenance, and activities to be provided in the DLPBID 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, maintenance, and activities outside the DLPBID or for any purpose other than the purposes specified in the Resolution of Intention, the Resolution of Formation, and the Plan. Notwithstanding the foregoing, improvements, maintenance, and activities that must be provided outside the DLPBID boundaries to create a special benefit to the assessed parcels may be provided, but shall be limited to marketing or signage pointing to the DLPBID.

2. The City Council finds as follows:
 - a. All assessed property within the DLPBID will be benefited specially and directly by the improvements, maintenance, and activities funded by the assessments proposed to be levied.
 - b. The assessments levied for the DLPBID shall be applied toward clean and safe, marketing and promotions, and related advocacy and administration programs and other improvements, maintenance, and activities as set forth in the Plan.

14.04.080. - Budget.

The initial DLPBID annual assessment budget will total approximately \$334,978.46. The annual assessment budget may be subject to an increase in assessment rates of no more than three percent (3%) per year. The assessment funds will be supplemented by non-assessment funds, so that the total budget for the initial year is estimated at \$342,775.22, as detailed in the Engineer’s Report.

14.04.090. - Bonds

Bonds shall not be issued to fund the DLPBID.

14.04.110. Boundaries.

The renewed DLPBID generally includes parcels fronting W. Lancaster Boulevard, bounded by 10th Street West in the west, Jackman Street in the north, Sierra Highway in the east, and Milling Street in the south. The District also includes parcels bounded by W. Lancaster Boulevard in the north, W. Milling Street in the south, Sierra Highway in the east, and Fern Avenue in the west. Certain adjacent parcels in the Downtown Lancaster area have also been included in the District boundary, as shown on the map in Section III of the Plan.

14.04.120. - Assessments.

1. The assessment rate (cost to the parcel owner) is based on benefit zone, parcel size, building size, and parcel type. Single family residential parcels and public easements on private parcels will not be assessed. The initial annual rate to each parcel is shown in the table below. Assessment rates may be subject to an increase of no more than three percent (3%) per year.

	ZONE 1		ZONE 2	
Parcel Type	Parcel Size (sq. ft.)	Building Size (sq. ft.)	Parcel Size (sq. ft.)	Building Size (sq. ft.)
Commercial	\$0.085	\$0.165	\$0.045	\$0.095
Apartment Complex	\$0.0425	\$0.0825	\$0.0225	\$0.0475

2. The assessments shall be used for the purposes set forth herein and any funds remaining at the end of any year may be used in subsequent years in which the DLPBID assessment is levied as long as they are used consistent with the requirements set forth herein.

14.04.130. - Collections.

As provided by State Law, the DLPBID assessment will appear as a separate line item on annual property tax bills prepared by the County of Los Angeles. Alternatively, the DLPBID assessment may be collected by the City of Lancaster if needed. Property tax bills are generally distributed in the fall, and payment is expected by lump sum or installment. The County of Los Angeles or the City of Lancaster shall distribute funds collected to the Owners' Association. Existing laws for enforcement and appeal of property taxes, including penalties and interest, apply to the DLPBID assessments.

14.04.140. - Owners' Association.

The City Council through adoption of this Ordinance and the Plan, has the right pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the DLPBID as defined in Streets and Highways Code §36612. The DLPBID shall continue to be governed by the BLVD Association, with oversight from the Lancaster City Council. The BLVD Association shall continue to serve as the Owners' Association described in the Streets and Highways Code §36651. The Board of Directors of the Association and its staff are charged with the day-to-day operations of the DLPBID.

A majority of the Board of Directors of the BLVD Association must be parcel owners paying the assessment. In addition, the Board of Directors must represent a variety of interests within the DLPBID and respond to the needs of all properties within the District.

The Board of Directors shall act in the best interests of all of the properties within the DLPBID. The diverse representation described above ensures that the interests of all of the properties in the DLPBID shall be fairly represented. The City Council or Board of Directors reserves the right to amend or modify the composition of the Board by a separate resolution without amending the Plan.

14.04.150. - Annual Report.

The BLVD Association pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The first report shall be due after the first year of operation of the renewed DLPBID.

14.04.160. - Amendments to Enabling Legislation.

The DLPBID renewed pursuant to this Ordinance shall be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).

Section 2. Severability. If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster declares that it would have passed and adopted this Ordinance and each and all provisions irrespective of the fact that any one or more of said

provisions may be declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

Section 3. Effective Date. This Ordinance of the City of Lancaster shall be effective thirty (30) days after its passage, this Ordinance or a summary thereof, as provided in Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Lancaster, along with the names of the City Council voting for and against its passage.

I, Andrea Alexander, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the _____ day of _____, _____, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

ANDREA ALEXANDER
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss
CITY OF LANCASTER }

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of
Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance
No. _____, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day
of _____, _____.

(seal)
