

RESOLUTION NO. _____ (N.C.S.)

RESOLUTION LEVYING FISCAL YEAR 2024-2025 ASSESSMENTS FOR THE SALINAS UNITED BUSINESS ASSOCIATION BUSINESS IMPROVEMENT AREA

WHEREAS, Division 18, Part 6, of the California Streets and Highway Code authorizes the establishment of a Parking and Business Improvement Area pursuant to the provisions of section 36500, et seq; and

WHEREAS, the former Sunset Avenue Redevelopment Area is occupied by businesses and retail stores which are underutilized and unable to attract customers due to inadequate facilities, services, and activities in the business district; and

WHEREAS, the Salinas City Council adopted Ordinance No. 2437 establishing the Salinas United Business Association Business Improvement Area (“SUBA BIA”) on August 23, 2004; and

WHEREAS, Ordinance No. 2455 adopted by Council on September 20, 2005, revised said BIA’s method of assessment; and

WHEREAS, at its August 6th, 2024 meeting, the City Council approved Resolution No. 646 (R.O.I.) entitled “Resolution of Intention to Levy an Annual Assessment in the SUBA Business Area for Fiscal Year 2024-2025,” R.O.I. No. 646 accepted the Advisory Board’s FY 2023-2024 Annual Report and set a public hearing date of September 24, 2024 to consider the levy of assessment; and

WHEREAS, following the scheduling of the September 24th public hearing, the Internal Revenue Service (IRS) and the State of California Franchise Tax Board (FTB) suspended SUBA’s tax exempt status, which required the continuance of the public hearing to October 22, 2024; and

WHEREAS, SUBA has since restored its Section 501(c)(6) tax exempt status and is now in good standing with both the IRS and the FTB, thus allowing the consideration of the levy of assessment to move forward; and

WHEREAS, as required by the Streets and Highways Code, R.O. I. 646 was noticed in the Monterey County Weekly, a local newspaper, on August 22, 2024, not less than seven (7) days prior to the public hearing; and

WHEREAS, since the City Council meeting on August 6th, 2024, the City’s Finance Department has provided a calculation of assessments for 2024-2025 for a total of \$100,368; and

WHEREAS, as set forth in R.O.I. No. 646, a public hearing was held on October 22nd, 2024, in the City Council Chambers of the City Council at 200 Lincoln Avenue, Salinas. At the hearing the City Council heard and duly considered protests and objections, both oral and written, to the levy of an assessment for FY 2024-2025 within said BIA; and

WHEREAS, the protests and objections, both written and oral, to the levy that were received and duly considered during said hearing comprised less than 50% of the assessments proposed to be levied; and

WHEREAS, The City of Salinas has determined that the proposed action confirming SUBA’s annual report and considering SUBA’s annual levy of assessment is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378). Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED BY THE SALINAS CITY COUNCIL that the Council duly overrules protests of businesses, which will pay less than 50% of the assessments proposed to be levied and denies all of said protests and objections.

BE IT FURTHER RESOLVED that the SUBA Business Improvement Area FY 2023-2024 Annual Assessment District Report and Budget for FY 2024-2025 is confirmed as originally filed, which shall constitute the levy of assessments for the SUBA Business Improvement Area for FY 2024-2025.

PASSED AND APPROVED this 22nd day of October 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Kimbley Craig, Mayor

ATTEST:

Patricia Barajas, City Clerk