

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**RESOLUTION LEVYING FISCAL YEAR 2022-2023 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 9, 2022 meeting, the City Council approved Resolution No. 639 (R.O.I.) entitled “Resolution of Intention to Levy an Annual Assessment in the SUBA Business Area for Fiscal Year 2022-2023,” R.O.I. No. 639 accepted the Advisory Board’s FY 2021-2022 Annual Report and set a public hearing date to consider the levy of assessment; and

**WHEREAS**, as required by the Streets and Highways Code, R.O. I. 639 was noticed in the Monterey Herald, a local newspaper, on August 19, 2022, not less than seven (7) days prior to the public hearing; and

**WHEREAS**, since the City Council meeting on August 9, 2022, the City’s Finance Department has provided a calculation of assessments for 2022-2023 for a total of \$109,149 and SUBA has provided a new 2022-2023 budget report to reflect the change in assessment total; and

**WHEREAS**, as set forth in R.O.I. No. 639, a public hearing was held on September 20, 2022, 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 2022-2023 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; and

**BE IT FURTHER RESOLVED** that the SUBA Business Improvement Area FY 2021-2022 Annual Assessment District Report and Budget for FY 2022-2023 is confirmed as originally filed, which shall constitute the levy of assessments for the SUBA Business Improvement Area for FY 2022-2023.

**PASSED AND ADOPTED** this 20<sup>th</sup> day of September, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:**

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Kimbley Craig, Mayor

**ATTEST:**

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Patricia M. Barajas, City Clerk