



CITY OF MANHATTAN BEACH

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STAFF REPORT

Agenda Date: 2/21/2023

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

George Gabriel, Assistant to the City Manager

SUBJECT:

Conduct Public Hearing Renewing the North Manhattan Beach Business Improvement District and Approval of the Annual Collection of Assessments for Fiscal Year 2023-2024 (City Manager Moe).

(Estimated Time: 15 Mins.)

A) CONDUCT PUBLIC HEARING

B) ADOPT RESOLUTION NO. 23-0020

C) RATIFY 2023 BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD MEMBERS

D) CONSIDER THE PROPOSED 2023 ACTIVITY PLAN

RECOMMENDATION:

Staff recommends that the City Council:

- a) Conduct a Public Hearing regarding the proposed assessment;
- b) Adopt Resolution No. 23-0020, renewing the district and authorizing the collection of the assessment to provide services of the North Manhattan Beach Business Improvement District (North MB BID);
- c) Ratify the Business Improvement District Advisory Board Members for 2023; and
- d) Review and approve the Proposed 2023 Activity Plan.

FISCAL IMPLICATIONS:

The North Manhattan Beach Business Improvement District (NMB BID) is funded through an 80% surcharge to the business license tax paid by those businesses located within the district, not to exceed \$500 annually. At the current rate, the assessment levied collects approximately \$25,000 per year. Prior to the pandemic, assessments collected were approximately \$28,000 per year. NMB BID has approximately \$420,000 in reserve for projects and activities.

BACKGROUND:

In January 2004, the City Council dissolved the North End Business Improvement District, which was formed in 1969 under the State’s Parking and Business Improvement District Act of 1965. The BID was limited in scope and was mainly responsible for addressing parking acquisition and construction. Because opportunity for acquiring additional parking in the North End is limited, business district members wanted to use the funds for other types of activities, such as physical improvements, beautification, signage, marketing, and promotion. To accommodate this request, City Council dissolved the 1969 Business Improvement District and created the current Business Improvement District using the broader 1989 BID Act.

DISCUSSION:

Assessments

The NMB BID and its associated assessments must be renewed annually. In conformance with applicable law, the City Council adopted Resolution No. 23-0020 on January 17, 2023, declaring its intention to authorize the collection of assessments to provide services in accordance with the 2023 Activity Plan and Annual Budget. Tonight’s public hearing to allow testimony both in support of and against the proposed assessments was established at that meeting and has been properly noticed in accordance with State law.

The Resolution of Intention was circulated to all current North Manhattan Beach business members and was published in The Beach Reporter. If adopted, Resolution No. 23-0020 will be effective immediately and will set the assessment at 80% surcharge on the business license tax not to exceed \$500 annually for NMB BID member businesses. This assessment remains unchanged from last fiscal year and will be in effect for the next assessment cycle, which coincides with the fiscal year 2023-2024 business license period (March 1, 2023 - Feb 28, 2024).

Advisory Board

The 1989 Business Improvement District Act requires that the City Council select a BID Advisory Board. Advisory Board duties include recommendations to the City Council on expenditure of revenues derived from the assessments, as well as the method and basis of levying the assessments. The following is a list of the 2023 Advisory Board elected by the North MB BID membership, and their affiliation with the district:

- Abbot Lawrence IV - Pancho’s
- Harry Ashikian - Salvatore’s Shoe Repair
- Jessica Jordan - Fishbar
- Justin Maxwell - North End Caffe
- Lorenzo Pitera (Vice Chairperson) - Baja Sharkeez
- Mike Simms (Chairperson) - Nick and Son’s Market
- Roxanne Faire (Secretary) - Aesthetics on Highland

This board was elected at the December 14, 2022, North MB BID Advisory Board meeting for a two-year term through a nomination and election process via zoom virtual meeting.

Annual Budget and Activity Plan 2023-2024

The Business Improvement District Advisory Board reviews and approves the operating plan for

the District. The attached Annual Budget and Activity Plan 2023 (March 1, 2023 - February 28, 2024) contains all information relative to projected revenues and expenses, and outlines the services and programs to be funded by the Business Improvement District. This year, the operating plan identifies the following programs:

- Continue using the websites for North MB BID visitor outreach and marketing. Maintain and enhance the digital presence of the North Manhattan Beach district through public engagement (e.g. surveys, individual business outreach), website, social media, and e-notifications;
- Explore the feasibility of becoming a professional non-profit association similar to the Downtown Manhattan Beach Business Professional Association (DBPA);
- Solicit Bids for Public Art and work with the Cultural Arts Commission for installation and placement;
- Trademark and begin to utilize approved North Manhattan Beach Logo;
- Solicit professional services to manage and administer Advisory Board priorities and responsibilities identified in the Activity Plan including contracting for Executive Coordinator and Social Media Coordinator positions;
- Continue to develop North Manhattan Beach branding using the new approved logo throughout the district (Pole flags with approval and permits from the City, refurbish the North Manhattan Beach welcome monument on Rosecrans utilizing the new color scheme and logo);
- Continue to develop event and partnership opportunities to draw more foot traffic and awareness to North Manhattan Beach;
- Continue to establish participation and support for the North MB BID amongst businesses;
- Continue to grow the annual North MB BID Holiday Stroll and establish additional collaborative events;
- Collaborate with Manhattan Beach's Environmental Sustainability Division, Traffic Engineer, Community Development Department and Public Works Department to implement programs for alternative e-transportation;
- Explore a weekly e-bike, golf carts and e-scooters community outreach program on an agreed upon evening when businesses would benefit from additional patrons in the BID;
- Consideration of golf cart only parking spaces in the BID (preferably in locations not already allocated for parking);
- Review of opportunities for additional bike & e-bike parking in the BID;
- Update the community on the status of the crosswalks and other street markings and street repairs north of Rosecrans after the construction done in this area. Collaborate with the City on the replacement of the crosswalks and intersection design at the intersection of Rosecrans & Highland also affected by the construction in the area. Continue to work on the functionality of the lighting of the crosswalks south of Rosecrans;
- Continue the Highland Avenue improvement discussions with Community Development, Traffic Engineering and Public Works to find solutions to improve the safety of Highland Avenue;
- Continue discussions to find additional parking solutions; and
- Continue collaborating with the Downtown Business District and the Manhattan Beach Chamber of Commerce to best serve North MB BID businesses.

- Continue to work with Public Works on the implementation of string lights on NMB BID light poles owned by the City throughout the BID (Highland Ave. from 32nd-45th Streets and on north side of Rosecrans up to Veranda's and the south side of Rosecrans just past El Tarasco.)

By-Laws

The North MB BID recently reviewed and revised their bylaws at the advisory Board Meeting held on January 10, 2023 (Attachment #3). These bylaws provide the North MB BID governance articles election procedures, annual reporting requirements, meeting procedures, and code of conduct.

CONCLUSION

If there is not a majority protest of the assessment payers, staff recommends that the City Council:

- a) Adopt Resolution No. 23-0020 renewing the district and authorizing the collection of the assessment to provide services of the North Manhattan Beach Business Improvement District;
- b) Ratify the Business Improvement District Advisory Board Members for 2023; and
- c) Review and approve the Proposed 2023 Activity Plan.

PUBLIC OUTREACH:

In compliance with State law, copies of the Resolution of Intention adopted on January 17, 2023, were mailed to all current NMB BID members on January 20, 2023. A Public Notice was placed in the February 2, 2023, Beach Reporter publication.

LEGAL REVIEW

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Resolution No. 23-0020
2. 2023 Annual Budget and Activity Plan
3. North MB BID Bylaws

RESOLUTION NO. 23-0020

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL OVERRULING PROTESTS AND PROVIDING FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR THE EXISTING NORTH MANHATTAN BEACH BUSINESS IMPROVEMENT DISTRICT, PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 36500 ET. SEQ. (SB 1424 – PARKING & BUSINESS IMPROVEMENT LAW OF 1989, CHAPTER 2)

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES, FINDS AND DETERMINES:

SECTION 1. The City Council hereby finds:

A. The City Council has formed a Property & Business Improvement District pursuant to the provisions of the Parking & Business Improvement Law of 1989 (the “Act,” codified at California Streets and Highways Code Section 36500) for providing services to the businesses within the area designated as the North Manhattan Beach Business Improvement District (the “District”).

B. On January 17, 2023, the City Council adopted Resolution No. 23-0011 declaring its intention to authorize the collection of assessments to provide services in accordance with the 2023 Activity Plan for the period beginning January 1, 2023, and ending December 31, 2023 (the “Report”), with such services to be performed within the District.

C. Resolution No. 23-0011 fixed the time and place for a public hearing of any and all protests in relation to the proposed assessment for February 21, 2023.

D. Evidence has been received as to the publication and mailing of notice of such hearing in the time, form and manner required by law.

E. This Resolution is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the approval may have a significant effect on the environment.

SECTION 2. On February 21, 2023, the City Council held a duly noticed full and fair public hearing regarding the levy and collection of an assessment against businesses within the District for fiscal year 2023-2024. At the public hearing, the Council considered testimony of all interested persons regarding the levy of any assessment against businesses within the District for

fiscal year 2023- 2024. The City Council hereby determines that there was no majority protest within the meaning of the Act.

SECTION 3. Based upon its review of the report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, and other reports and information presented to the City, the City Council hereby finds and determines that (i) the businesses in the District will be benefitted by the expenditure of funds raised by the assessment for fiscal year 2023-2024, (ii) the District includes all of the businesses so benefitted, and (iii) the net amount of the assessment levied within the District for fiscal year 2023-2024 in accordance with Resolution No. 23-0011 and the Report, is apportioned by a formula and method which fairly distributes the net amount in proportion to the estimated benefits to be received by each such business.

SECTION 4. The City Council hereby confirms the Report as originally filed.

SECTION 5. The adoption of this resolution constitutes the levy of an assessment for fiscal year 2023-2024.

SECTION 6. This resolution shall take effect immediately upon adoption.

SECTION 7. The City Clerk shall certify to the passage and adoption of this resolution.

ADOPTED February 21, 2023.

AYES:
NOES:
ABSTAIN:
ABSENT:

STEVE NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk

**NORTH MANHATTAN BEACH
BUSINESS IMPROVEMENT DISTRICT
(NORTH MB BID)**



**2023 Annual Report,
Budget and Activity Plan**

Location: The general area surrounding the Rosecrans Avenue and Highland Avenue intersection (See Attachment A). Specific boundaries are:

- (North to South) the extent of the Highland Avenue Right-Of-Way from the northernmost City line at 45th Street to 32nd Place on the south.
- (East to West) the extent of Rosecrans Avenue Right-Of-Way from Bell Avenue to the west side of Highland Avenue.

Stakeholders: North Manhattan Beach Businesses – All business license holders in the North Manhattan Beach area, with the exception of home-based businesses, residential rental units, commercial property owners and residents.

Improvements and Activities:

- A. Capital Improvement Project Design
- B. Marketing, Social Media & Advertising
- C. Project Implementation
- D. Professional Communications

Method of Financing: Benefit-based assessments on City Business License Tax.

Assessment: An 80% surcharge on the City Business License Tax not to exceed \$500.00.

Collection: The fees are collected in March/April of each year with the Business License Tax. The funds shall be retained, including interest earned, in a designated fund and disbursed through the City. Approximately \$25,000 per year.

Governance: A City Council-ratified Advisory Board serves to make recommendations to the City Council for the North Manhattan Business Improvement District (BID) on such topics as budget and assessments. The Advisory Board consists of up to seven (7) members composed of area business owners or resident ex-officio members. There must be a quorum to conduct a meeting and adherence to the Brown Act. The City Council ratifies the board members annually once the membership has held its election (typically in December). It is anticipated that the Advisory Board will meet at least once per month, on the 2nd Wednesday at 6:00 PM. In delivering BID improvements and activities, the Advisory Board will strive to meet the following

objectives:

- Maximize coordination with the City and other civic organizations to leverage resources.
- Identify streetscape, landscape and other improvements, and create an identity plan for North Manhattan Beach.
- Provide accountability to business owners who pay assessments.

Maintaining the District:

The City Council maintains the district by adopting a Resolution of Intention. A Public Hearing shall be held around 30 days after the adoption of the Resolution of Intention. If there is insufficient protest from owners representing over 50% of the assessments to be paid, the BID assessment will continue.

Benefits of the District:

The BID allows for streetscape, signage and landscape improvements, and the creation of a North Manhattan Beach identity through integrated marketing efforts such as promotions, branding and advertising.

The BID shall provide key promotional and organizational support through a variety of functions that directly benefit its ratepayers as well as the City; such as:

- Enhancing the appearance of North Manhattan Beach through signage, landscaping, improvements etc.
- Establishing and implementing a North Manhattan vision and image that is in line with the rest of Manhattan Beach and reflects the good health and economic vitality of the entire City; making the City an attractive venue for business.

ACTIVITY PLAN

The BID activity plan for 2023 includes the following items:

- A. Continue using www.northmanhattanbeach.org and www.visitnorthmanhattanbeach.com for visitor and community outreach and marketing. Maintain and enhance the digital presence of the North Manhattan Beach district through public engagement (surveys, individual outreach), website, social media (Instagram @visitnorthmanhattanbeach @northmanhattanbeach, Facebook @northmanhattanbeachca @visitnorthmanhattanbeach, twitter @VisitNorthMB) and e-notifications.
- B. Trademark and begin to utilize approved North Manhattan Beach Logo.
- C. Explore the feasibility of becoming a professional non-profit association similar to the Downtown Manhattan Beach Business Professional Association (DBPA).
- D. Solicit professional services to manage and administer Advisory Board priorities and responsibilities identified in the Activity Plan including contracting for Executive Coordinator and Social Media Coordinator positions.
- E. Continue to develop North Manhattan Beach branding using the new approved logo throughout the district (Pole flags with approval and permits from the City, refurbish the North Manhattan Beach welcome monument on Rosecrans utilizing the new color scheme and logo).
- F. Solicit Bids for Public Art and work with the City Public Arts Commission for installation and placement.
- G. Continue to develop event and partnership opportunities to draw more foot traffic and awareness to North Manhattan Beach.
- H. Continue to establish participation and support for the NMB BID among NMB businesses.
- I. Continue to grow the annual NMB BID Holiday Stroll and establish additional collaborative events.
- J. Collaborate with Manhattan Beach's Environmental Sustainability Division, Traffic Engineer, Community Development Department and Public Works Department to implement programs for alternative e-transportation. This program will promote electric alternatives and draw much needed foot traffic to our NMB BID Businesses.

an agreed upon evening when businesses would benefit from additional patrons in the BID. We will confer with BID businesses to select a preferred evening. This program may include:

- i. Safe e-bike, electric scooter, etc. parking
 - ii. A number (quantity to be determined by City) of parking spaces to convert to golf cart only parking during designated times
 - iii. Consideration of golf cart only parking spaces in the BID (Preferably in locations not already allocated for parking)
 - iv. Review of opportunities for additional bike & e-bike parking in the BID.
- K. Continue to work with Public Works on the implementation of string lights on NMB BID light poles owned by the City throughout the BID (Highland Ave. from 32nd-45th Streets and on north side of Rosecrans up to Veranda's and the south side of Rosecrans just past El Tarasco.) This program will not only create a beautiful evening ambiance lighting up the NMB BID boundaries, but it will also provide inviting lighting and a welcoming feeling to our evening customers.
- L. Update the community on the status of the crosswalks and other street markings and street repairs north of Rosecrans after the construction done in this area. Collaborate with the City on the replacement of the crosswalks and intersection design at the intersection of Rosecrans & Highland also affected by the construction in the area. Continue to work on the functionality of the lighting of the crosswalks south of Rosecrans.
- M. Continue the Highland Avenue improvement discussions with Community Development, Traffic Engineering and Public Works to find solutions to improve the safety of Highland Ave. especially north of Rosecrans where there are not enough crosswalks, they need to more visual indicators and implement solutions to reduce the excessive speed in the area.
- N. Continue discussions to find additional parking solutions. Establish contact with Chevron to discuss the Chevron parking in this area.
- O. Continue collaborating with the Downtown Business District and the Manhattan Beach Chamber of Commerce to best serve our NMB BID Businesses.

North Manhattan Beach Business Improvement District Reserves

FY 2021-2022 Actuals	
Beginning Reserve Balance July 1, 2021	\$420,300.41
Revenues	35,039.39
Interest	4,816.05
Expenditures	(69,288.93)
Ending Reserve Balance as of June 30, 2022	<u>\$390,866.92</u>
FY 2022-2023 Budget	
Beginning Reserve Balance July 1, 2022	\$390,866.92
Budgeted Revenues (1)	25,000.00
Estimated Interest	5,000.00
Projected Ending Reserve Balance as of June 30, 2023 (2)	<u>\$420,866.92</u>

(1) Budgeted Revenues are projected based on business license tax assessments not to exceed \$500 annually per business.

(2) The Projected Ending Reserve Balance is based on actual reserves at the beginning of the fiscal year adjusted for projected revenues with no estimated expenditures

Notable Annual Expenditures	
FY 2022-2023 Budget	
Estimated Expenditures	Amount
Executive Coordinator Services	\$ 31,200
Social Media Coordinator Services	\$ 18,000.00
Holiday Stroll Expenses	\$ 12,000.00
TOTAL	\$ 61,200.00

AREA MAP

City of Manhattan Beach North Manhattan Beach Business Improvement District





BYLAWS FOR THE NORTH MANHATTAN BEACH BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

ARTICLE 1. GOVERNANCE AND SCOPE.

On January 4, 2005, the City Council of the City of Manhattan Beach approved Ordinance No. 2071 to form the North End Manhattan Beach Business Improvement District [“North MB.BID”] pursuant to Parking and Business Improvement Area Law of 1989, being California Streets and Highways Code Sections 53500 through 53551, as amended from time to time (the “Act”).

Section 36530 of the Act provides that the City Council shall appoint an advisory board which shall make a recommendation to the City Council on the expenditure of revenues derived from the levy of assessments, on the classification of business and the method and basis of levying assessments. Section 36533 of the Act provides that the advisory board shall cause to be prepared a report for each fiscal year for which assessments are to be levied and collect to pay the costs of the improvements and activities described in the report.

By its minute motion on December 21, 2004, the City Council appointed the advisory Board pursuant to Section 36530 (the “Advisory Board”). These Bylaws provide the rules and regulations that govern the operation and management of the Advisory Board.

ARTICLE 2. MISSION STATEMENT.

The Advisory Board serves at the pleasure of the City Council and is advisory only. The Advisory Board shall make recommendations to the City Council on the expenditure of revenues from the North MB BID assessments, pursuant to Ordinance No. 2017, for services and improvements that directly and principally benefit its business members, namely:

- Parking & Transportation;
- Marketing and Promotions;
- Special Events;
- Capital Improvements; and
- Management Services.

ARTICLE 3. ADVISORY BOARD.

3.1 Advisory Board.



BYLAWS FOR THE NORTH MANHATTAN BEACH BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

The City Council appointed a seven member Advisory Board on December 21, 2004.

3.2 Officers.

The Advisory Board shall have a chairperson, vice-chairperson and recording secretary, elected biennially by BID members. [Article 4, Advisory Board Election] The chair or vice-chair may serve as recording secretary. One person shall not serve as chair and vice-chair.

The Chairperson shall exercise overall responsibility for the Advisory Board.

Specific responsibilities include, but are not limited to:

- 1) Conducting and maintaining meeting decorum consistent with the Manhattan Beach Civility Policy (Appendix A);
- 2) Preparing agendas;
- 3) Interfacing with city-council delegate/alternate, finance department and other city staff;
- 4) Testifying to the City Council.

The Vice-Chair shall serve as chair, in event of the chairperson or secretary being temporarily absent or otherwise unavailable, as result of resignation, removal, incapacitation or other reasons.

The Recording-Secretary shall prepare the official record of the Advisory Board meetings. Specific responsibilities include, but are not limited to: 1) Providing notice of all meetings in accordance with the Brown Act; 2) Prepare meeting minutes for Advisory Board approval; and 3) Amend them per Advisory Board direction; and, 4) Maintain the records of the Advisory Board. In the event that the secretary is unable to carry out these duties, such responsibilities will be designated to the following positions in this order: 1) Contracted management services (i.e. Executive Coordinator), 2) Vice Chair, 3) City Staff Liaison.

3.3. Term of Service and Vacancies.

Officers shall serve for two years, January 1 to December 31, with no term limits. In case of vacancy, the board may appoint a qualified person to fill the vacancy by unanimous vote, in an agendaized action at a noticed meeting. Vacancies may also remain until the next annual election, provided that the board has at least a quorum of members. An appointment anytime during the year after the Public Hearing requires ratification by the North MB BID City-Council delegate or alternate.

3.4. Compensation.



BYLAWS FOR THE NORTH MANHATTAN BEACH BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

Officers, Advisory Board members and North MB BID members shall not receive compensation in any form.

3.5. Conflict of Interest.

Advisory board members shall abstain from participating in any matter that comes before them, for which, the business represented by that board member may have any direct or indirect economic interest, exclusive of the benefits that accrue to all BID members. If a conflict of interest may exist, the board member shall recuse himself or herself from discussion, consideration and voting.

3.6. Removal.

Board members should attend all meetings, unless excused by the chairperson or vice-chair.

When a board-member fails to attend three meetings during a single calendar year, the Advisory Board may consider removal by majority vote, in an agendaized action at a noticed meeting.

ARTICLE 4. ADVISORY BOARD ELECTION.

Every two years, the Advisory Board shall hold an election to fill up to seven seats on the board at the first meeting in December, prior to the City Council consideration of a resolution declaring an intention to provide for annual levy and collection of assessments.

4.1. Candidate Qualifications.

No business member may nominate more than one candidate, including themselves for the Advisory Board.

No candidate may represent more than one business.

4.2. Election Schedule.

60 days prior to the election, staff shall notify BID members of the election, by U.S. Mail and by email. The notification shall include, but not limited to: 1) Instructions and schedule for candidate filings; 2) Candidate qualification requirements; 3) Summary of current board; 4) City-staff liaison contact information; and 5) Election procedure, including that for officers.

Candidates must file a written application with the city-staff liaison or designee, no earlier than 45 days before the election and no later than 5:00 PM thirteen (13) days before the day of the election.

4.3. Applications.



BYLAWS FOR THE NORTH MANHATTAN BEACH BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

Candidates shall file by any means with the city-staff liaison identified above, a written application in any format. In addition to a statement of intent to become an Advisory Board member for the North MB.BID, the application shall include: 1) Name; 2) Address, not necessarily in Manhattan Beach; 3) Phone number preferably cell; and 4) Email address. If representing a business, the application shall include a certified letter from said business owner authorizing the representation prior to election proceedings.

Applicants may include a statement not exceeding 200 words regarding their qualifications for membership on the board. Staff shall distribute these qualifications to North MB BID members at least 14 days before the election.

4.4. Candidate Certification.

Upon receiving applications, the city-staff liaison shall promptly review and verify that the filings comply with requirements above. If any discrepancies discovered in an application, staff shall immediately inform the applicant and facilitate corrections, if possible. For candidates representing a business, staff shall directly and independently verify with the business that they authorize the candidate representation.

4.5 Advisory Board Election Procedure.

To commence the election agenda item, staff shall distribute election materials and ballots to the BID members and summarize the election process, including subsequent election of officers by the newly elected board.

After the staff testimony, the candidates may make a two-minute statement regarding their qualifications. Candidates need not attend the election and may designate another person to present their statement.

To vote, BID members or representative that has a certified letter from said BID member authorizing their representation, must attend the election meeting unless a significant unforeseen circumstance occurs and the City staff liaison is notified prior to the election. Each BID business present shall have only one ballot, regardless of how many attendees associated with the business present. The voting representative for the business shall not represent any other business. No other persons attending the election may vote.

Vote counting shall occur at a public meeting of the Advisory Board. The results shall identify the winning candidates, but not their relative standings or vote totals. Staff shall file all voting records and ballots with the City Clerk.



BYLAWS FOR THE NORTH MANHATTAN BEACH BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

Voting Ties and More than Two Use Classifications Elected.

In the case of a tie for the seventh seat, immediately after the election, BID members shall vote on a runoff between only the two tied candidates. In the event of another tie, the staff liaison shall resolve the tie with a coin toss.

4.6. Election of Officers.

Immediately after the general election, the newly-elected Advisory Board shall elect officers. Any North MB BID business that is subject to the assessment and in attendance at the meeting may nominate one member of the newly-elected Advisory Board for any of the three offices. Newly-elected board members may nominate themselves. To qualify, each nominee must orally accept their nomination. All newly-elected board members may vote for one nominated individual per office. The candidate receiving the most votes wins the office, even if a plurality, rather than a majority. In event of a tie, a coin toss shall resolve the tie.

4.7. Swearing in of Officers.

Officers shall not take office, until their election ratified by the City Council. As an exception, newly-elected board members may vote for officers, per Section 4.6 above, before the city council ratifies the election. If the council does not ratify the election, then the eventual Advisory Board must conduct another election of officers.

ARTICLE 5. ADVISORY BOARD MEETINGS, AGENDAS AND MINUTES.

5.1. Regular Meetings.

The Advisory Board should meet once every month, at a time, date, and location determined by a majority of the Board. The meeting can occur at a facility within the boundaries of the North End area, having adequate seating capacity and provide free parking available for the public. Alternatively, the Advisory Board may meet at a City facility, including City Hall. Socially distant meeting can be held via software designated by the North MB BID if allowed by the Brown Act.

For Advisory Board meetings, the recording secretary or designee shall notice North MB BID members, the staff liaison and the city-council delegate/alternate by email, no earlier than two weeks before the meeting and no later than four days before the



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meeting. The noticing email shall include the agenda in the body of the email. Section 4.2 requires different noticing for elections.

Prior to the date, all advisory-board meetings shall have a posting on the city website calendar. Notices to board members, the city liaison and the city-council delegate/alternate shall include as attachments, all documents submitted for consideration at the meeting.

If after the one-week deadline above, BID members or the public submit documents to the Advisory Board, the recording secretary shall also enter those materials into the public record.

5.2. Regular Meeting Procedures.

Because the North MB BID constitutes a city entity, it shall comply with the Ralph M. Brown Act (being California Government Code Sections 54950 through 54963, as amended from time to time) when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (being California Government Code Sections 6250 through 6276.48) for all records relating to activities of the district.

The chairperson shall conduct the meeting pursuant to *Roberts Rules of Order*. Specifically, all attendees may address every agenda item for three minutes. The chair has discretion to award additional time for testimony by individual attendees.

Meeting Minutes.

The Recording-Secretary or designee (per Article 3.2) shall:

- 1) Within one week of the meeting, distribute draft minutes for review by the Executive Coordinator or city-staff liaison,
- 2) Amend the minutes per direction by the Board at a noticed public hearing; and,
- 3) Through the city clerk office, enter the approved minutes into the public record. No other person may amend the minutes or direct amendment of the minutes.

5.3. Special Meetings.

The chairperson may schedule special meetings of the Advisory Board. These special meetings shall comply with procedural requirements for regular meetings above, except that: 1) Noticing shall occur no later than five days before the meeting; and, 2) After the meeting, the recording secretary shall enter into the public record all documents considered by the board.

Quorum.



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A majority of the board shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. For example if there are 7 advisory board members then 4 advisory board members would create a quorum. Action may be taken by the Advisory Board upon a vote of a majority of a quorum, unless a higher vote is required by law.

5.4 Code of Conduct.

All Members of the Advisory Board shall adhere to the City Policy regarding code of conduct and meeting decorum.

ARTICLE 6. ANNUAL REPORT

6.1. Annual Report.

Annually in January, the Advisory Board shall approve the annual report, no later than the first city-council meeting in February.

The annual report shall include the information required by the Act, and shall include:

1) Improvements and activities planned for the coming year; 2) Estimated costs of said items; 3) The financial balance sheet for the past year; and 4) Proposed amendments to the bylaws.

ARTICLE 7. CITYSTAFF LIAISON PARTICIPATION.

The Advisory Board shall request the City Manager to designate a City staff person to assist the Advisory Board with its notices for public meetings and the conduct of its elections. In the event that the City does not provide staff for the Advisory Board, the Advisory Board shall vote appoint one or more members of the North MB BID to provide such services. In the case of the annual election, the appointed members cannot be nominated to serve on the Advisory Board. The City liaison may not be able to attend every monthly advisory board meeting. The monthly meetings will be lead and run by the North MB BID chairperson.

ARTICLE 8. BYLAWS AMENDMENT.

The Advisory Board may modify these bylaws and shall submit to the City Council a copy of its current bylaws with the annual report.



BYLAWS FOR THE NORTH MANHATTAN BEACH BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

APPENDIX A



Department Responsible: Management Services
Date Created: 08/6/2019
Approved By: City Council

SUBJECT: Manhattan Beach Civility Policy

PURPOSE: Promote mutual respect, civility, and orderly conduct among City employees, elected officials, and the public.

MANHATTAN BEACH CIVILITY POLICY (AMENDED AND RESTATED AUGUST 6, 2019)

RECITALS

1. Manhattan Beach elected officials and employees will treat members of the public with respect and expect the same in return. The City is committed to maintaining orderly administrative processes in keeping City administrative offices free from disruptions. The City is committed to maintaining a safe, productive and harassment-free work environment for all of its City employees.

2. This policy promotes mutual respect, civility and orderly conduct among City employees, elected officials, and the public. This policy is not intended to deprive any person of his or her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, productive and harassment-free workplace for City staff and a safe and non-threatening environment for visitors and customers. The City encourages professional, respectful, and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions. The City seeks public cooperation with this endeavor.

PROVISIONS:

A. Rules of Civility

1. All interactions between City staff, City elected officials and members of the public will be conducted in a respectful manner.
 2. Threats, including threats of violence, will not be tolerated.
 3. Members of the public will refrain from any behavior that disrupts or threatens to disrupt City government operations, including any of the following:
 - a) Insulting, demeaning, intimidating, or offensive communications;
 - b) Harassment or intimidation of any City staff, City elected official, or member of the public;
 - c) Willful destruction of property damage;
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- d) Conduct that threatens to provoke a violent reaction; and
- e) A continuing pattern of disruptive behavior.

B. Enforcement Protocols.

The City will take the following steps to promote compliance with this Civility Policy. The City reserves the right to take additional measures as necessary, including establishing a separate protocol for interactions between City staff and a member of the public.

1. Official Warning

If a member of the public violates this Civility Policy, staff will issue an oral warning and provide that person with a copy of this policy before taking further action unless the behavior of the member of the public requires a more severe response. This warning, which should clearly identify both the offending behavior and potential consequences that will arise if such behavior persists, will provide the member of the public with an opportunity to improve his or her behavior before the City takes more serious action, such as removal from the premises.

2. Suspension from the Government Building

If a member of the public does not improve his or her behavior in response to an official warning, the City will request the individual leave the premises for a short period of time). This temporary suspension from City property provides the member of the public with an opportunity to “cool down” and reflect on his or her treatment of City staff.

3. Cease and Desist Letter

If a member of the public does not improve his or her behavior in response to an official warning or brief suspension, the City will respond by sending a “cease-and-desist” letter. The letter will identify both the prohibited conduct and the City’s potential remedies. A “cease-and-desist” letter will put the member of the public on notice of the potentially serious consequences of his or her conduct.

4. Additional Measures

As noted above, nothing in this policy precludes additional action where warranted.