

RESOLUTION 2015-066

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDDING
DECLARING THE RESULTS OF THE MAJORITY PROTEST
PROCEEDINGS AT PUBLIC HEARING AND RENEWING THE
REDDING TOURISM MARKETING BUSINESS IMPROVEMENT
DISTRICT**

WHEREAS, the Property and Business Improvement District Law of 1994 (Streets and Highways Code section 36600 et seq.) authorizes cities to establish and renew property and business improvement districts upon petition by a weighted majority of the business owners located within the boundaries of the District; and

WHEREAS, a majority of the lodging business owners subject to assessment within the Redding Tourism Marketing Business Improvement District ("TMBID") have petitioned the City Council to renew the TMBID thereby extending the expiration date of the TMBID from December 31, 2015, to December 31, 2025; and

WHEREAS, each petition has been weighted according to the amount of the assessment anticipated to be paid by the lodging business owner; and

WHEREAS, the lodging business owners who signed the petitions will pay more than fifty (50) percent of the proposed assessment; and

WHEREAS, submitted with the petitions was a Management District Plan prepared by the Redding Tourism Marketing Group, Inc. which describes the proposed assessment to be levied on lodging businesses within the TMBID to pay for tourism marketing activities; and

WHEREAS, Streets and Highways Code section 36623 provides that the notice and protest procedures set forth in Government Code section 54954.6 shall be followed; and

WHEREAS, on May 19, 2015, the City Council adopted Resolution 2015-038, which provides that a public meeting would be held on June 16, 2015 at 6:00 p.m. in the City Council Chambers located at 777 Cypress Avenue, Redding, California and said public meeting has been held; and

WHEREAS, Resolution 2015-038 also set a public hearing to consider protests and the proposed renewal of the TMBID for July 21, 2015, at 6:00 p.m. in the City Council Chambers located at 777 Cypress Avenue, Redding, California; and

WHEREAS, the public meeting and public hearing hearing to consider the renewal of the TMBID have been properly noticed in accordance with Streets and Highways Code sections 36623 and 36660; and

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WHEREAS, at 6:00 p.m., or as soon thereafter as was practicable, on July 21, 2015, in the City Council Chambers, 777 Cypress Avenue, Redding, California, the City Council held a public hearing regarding the renewal of the TMBID, and the City Council heard and received all objections and protests to the renewal of the TMBID and the levy of the proposed assessment; and

WHEREAS, the City Clerk has determined that the weighted written protests submitted and not withdrawn in opposition to the proposed assessment and the renewal of the TMBID did not exceed fifty (50) percent of the assessment proposed to be levied and therefore do not represent a majority protest.

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

1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.
2. Pursuant to the requirements set forth in Streets and Highways Code sections 36625 and 36660, the TMBID is renewed for a ten-year period from January 1, 2016 until December 31, 2025 and shall expire on that date unless renewed pursuant to the procedures set forth in the Property and Business Improvement District Law of 1994 (Streets and Highways Code section 36600 et seq.).
3. The activities set forth in the recitals will be funded by the levy of an assessment on lodging businesses within the TMBID, as described in the Management District Plan that is on file with the City Clerk. Said assessments shall be in addition to any other assessment, fee or tax previously established within the jurisdictional boundaries of the City of Redding.
4. The TMBID assessment will be levied on all lodging businesses, as defined in the Management District Plan, within the TMBID boundaries and shall be based upon two percent (2%) of gross short- term (stays less than thirty (30) days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, counting portions of calendar days as full days, nor on any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty. The assessment shall be collected on stays until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. Gross revenue is defined as total revenue less any local, state, or federal sales taxes or transient occupancy taxes.
5. An annual amount equal to one (1) percent of the annual assessments collected per fiscal year may be charged against the TMBID as the reasonable sum due for the City's costs of administration of the TMBID.
6. The assessments shall be used for the purposes set forth in the above recitals and in the Management District Plan, and any funds remaining at the end of any term, should the

TMBID be renewed, may be used in subsequent years in which TMBID assessments are levied. If the TMBID is not renewed, any funds remaining at the expiration of the TMBID shall be distributed in accordance with Streets and Highways Code section 36660 et seq.

7. The City Council finds as follows:

a. The activities funded by the assessment will provide a specific benefit to assessed businesses within the TMBID that is not provided to those not paying the assessment.

b. The assessment is a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

c. The assessment is a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.

d. Assessments imposed pursuant to the TMBID are levied solely upon the assessed business, and the business owner is solely responsible for payment of the assessment when due. If the owner chooses to collect any portion of the assessment from a transient, that portion shall be specifically called out and identified for the transient in any and all communications from the business owner as the "TMBID Assessment."

8. The revenue from the levy of the assessments on lodging businesses within the TMBID may not be used to provide for activities or improvements outside the TMBID or for any purpose other than those specified in the Management District Plan. The assessments levied for the TMBID shall be applied toward sales promotion and marketing programs to market assessed lodging businesses in Redding as tourist, meeting, and event destinations, as described in the Management District Plan.

9. The assessments to fund the activities and improvements for the TMBID will be collected by the City on a monthly basis, and, in accordance with Streets and Highways Code section 36631, all delinquent payments for assessments levied herein shall be charged interest and penalties as described in the Management District Plan.

10. The Redding Tourism Marketing Group, Inc. shall contract with the City to provide the activities described in the Management District Plan, and the City Manager is hereby authorized to execute a contract with the Redding Tourism Marketing Group, Inc. to provide services authorized herein.

11. The Redding Tourism Marketing Group, Inc. shall, pursuant to Streets and Highways Code section 36650, cause to be prepared a report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report.

12. No bonds shall issue to fund the TMBID.
13. The lodging businesses within the TMBID shall be subject to any amendments of the Property and Business Improvement District Law of 1994 (Streets and Highways Code section 36600 et seq.).
14. The exterior boundaries of the TMBID are the jurisdictional boundaries of the City of Redding.
15. The City Manager, or his designee, is directed to take all necessary actions to complete the renewal of the TMBID and to levy the assessments.
16. This resolution shall take effect immediately upon its adoption by the City Council. The adoption of this resolution shall constitute the levy of an assessment in each of the year(s) referred to in the Management District Plan.

I HEREBY CERTIFY that the foregoing resolution was introduced and adopted at a regular meeting of the City Council on the 21st day of July, 2015, by the following vote:

AYES:	COUNCIL MEMBERS:	Cadd, McArthur, Schreder, Weaver, & Sullivan
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None


 FRANCIE SULLIVAN, Mayor

ATTEST:

APPROVED AS TO FORM:


 PAMELA MIZE, City Clerk


 BARRY E. DeWALT, City Attorney