REPORT TO THE CITY COUNCIL

October 30, 2014

FROM: BRUCE RUDD, City Manager

BY: WILMA QUAN-SCHECTER, Deputy City Manager

SUBJECT

..Title

Approval of items related to the renewal of a tourism business improvement district upon verification of a sufficient number of valid petitions collected to support the renewal of the district

1. RESOLUTION - Declaring its intention to renew the Fresno-Clovis Tourism Business Improvement District (FCTBID) and establishing the time and place of a public meeting and a public hearing thereon and giving notice thereof
2. RESOLUTION - Requesting consent of the City of Clovis to renew the FCTBID

..Body

RECOMMENDATION

Staff recommends that the City Council approve both Resolutions to initiate the process for renewing the Fresno-Clovis Tourism Business Improvement District (FCTBID).

EXECUTIVE SUMMARY

The FCTBID was formed in 2010 for a five-year term ending on December 31, 2015. As the FCTBID reaches the end of its initial term, businesses have expressed a desire to renew it. The FCTBID will continue to provide a steady funding source to the Fresno-Clovis Convention and Visitor's Bureau (FCCVB) through an assessment levied on hoteliers within the District. The Property and Business Improvement District Law of 1994, which authorizes this kind of entity, requires that one municipal entity act as the lead agency through which the FCTBID is formed and assessments are collected. The FCCVB will serve as the FCTBID's Owner's Association. The Owner's Association is charged with managing funds and implementing programs in accordance with the Management District Plan, and must provide annual reports to the City Council.

BACKGROUND

The renewed FCTBID will include all lodging businesses, existing and in the future, available for public occupancy located within the boundaries of the cities of Fresno and Clovis. The FCTBID is designed to provide specific benefits directly to payors through a sales and marketing program that will promote assessed businesses as tourist, meeting and event destinations. The goal of the sales and marketing program will be to increase overnight visitation and room night sales in cities of Fresno and Clovis.

The funding for a TBID comes from an assessment levied upon hoteliers within the District's boundaries. This is separate and distinct from the Transient Occupancy Tax (TOT) that hoteliers are required to submit. Initial estimates are that the TBID will collect approximately $1,400,000 per year in the first five (5) of its ten (10) year operation. The anticipated budget for the last five (5) years of its ten (10) year operation will be approximately $2,000,000 per year in assessments annually from both the Fresno and Clovis businesses within the FCTBID. The City of Fresno will be reimbursed up to 1% of the collected assessment for administrative costs associated with the collection and record-keeping related to the assessment. In addition to receiving reimbursement for expenses, the City of Fresno will have a seat on the FCTBID Board, as will the City of Clovis.

The FCTBID can only be renewed by a governing municipal agency. The law requires that businesses owners who would pay more than 50% of the assessment sign petitions indicating their desire to renew the FCTBID. Upon receipt of sufficient petitions, if the City Council chooses to proceed, it is must pass a Resolution of Intent to Form the District and to set a date for both a public meeting and a public hearing. There will be a public meeting to allow public testimony regarding renewal of the TBID, which the Resolution of Intention will set for November 20, 2014. Written protests can be submitted up until the time set for the public hearing, which the Resolution of Intention will set for December 18, 2014. At the public hearing, Council may adopt a resolution renewing the TBID, so long as the City has not received written protests from business owners who will pay more than 50% of the assessment. The action requested of City Council on October 30th is simply to provide notice that it is the intent of the City to renew the TBID and to set the meeting date and the hearing date for the vote. The Council's approval of the Resolutions on October 30th does not formally establish, or bind the Council to establish, the District.

The law requires that the City of Clovis also approve the renewal of the District within their city limits because this District encompasses the City of Clovis as well as Fresno. The Fresno City Council is being asked to approve a Resolution requesting the City of Clovis to renew the formation of the District within their city limits. If the FCTBID is successfully established, assessments levied in the City of Clovis on hoteliers in Clovis will be collected by the City of Clovis and forwarded to the City of Fresno for transmittal to the FCTBID.

ENVIRONMENTAL FINDINGS

This is not a project for CEQA purposes.

LOCAL PREFERENCE

This action is not subject to local preference.

FISCAL IMPACT

There is no fiscal impact to the City. All necessary actions to post the public hearing notices and mail ballots to affected parties will be paid by the CVB. If the FCTBID is renewed, the City will be responsible for collecting the assessment from hoteliers and will pass the funds through to the FCTBID. The City will be reimbursed for administrative costs of collecting the assessment and transmitting it to the FCTBID.

Attachments:
Resolution Declaring Intent to Establish the FCTBID

Resolution Requesting Consent from the City of Clovis to Establish the FCTBID
Notice of Public Meeting and Public Hearing
FCTBID Management District Plan

Fresno/Clovis Tourism Business Improvement District

Management District Plan

2016-2025

Formed pursuant to the Property and Business Improvement District Act of 1994 (Streets and Highways Code §36600 et seq)

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I. OVERVIEW

The Fresno/Clovis Tourism Business Improvement District (FCTBID) was formed in 2010 for a five-year term ending on December 31, 2015. As the FCTBID reaches the end of its initial term, businesses have expressed a desire to renew it.

Location: The renewed FCTBID includes all lodging businesses located within the boundaries of the cities of Fresno and Clovis.

Services: The FCTBID is designed to provide specific benefits directly to payors by increasing room night sales. Destination marketing and sales promotions will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.

Budget: The total FCTBID annual budget for the first five (5) years of its ten (10) year operation is anticipated to be approximately $1,400,000 per year. The anticipated annual budget for the last five (5) years of its ten (10) year operation will be approximately $2,000,000 per year. This budget is expected to fluctuate as room sales and the assessment rate do, as detailed in Section VI.

Cost: The annual assessment rate is one and one-half percent (1.5%) of gross short-term (stays less than 31 days) room rental revenue, for years one through five of the ten year term. In years six through ten, the annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by railroad crews, airline crews, or tax exempt government employees on government business as described in detail in section V. The City will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the FCTBID. The City shall take all reasonable efforts to collect the assessments from each lodging business.

Duration: The proposed FCTBID will have a ten (10) year life, beginning January 1, 2016 through December 31, 2025, which term is the proposed time for implementation and completion of this Management District Plan. Once per year beginning on the anniversary of district renewal there is a 30-day period in which owners paying more than fifty percent (50%) of the assessment may protest and initiate a City Council hearing on district termination.

Management: The Fresno/Clovis Convention and Visitor's Bureau (FCCVB) will serve as the FCTBID's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan, and must provide annual reports to the City Council.

II. IMPETUS

There are several reasons why now is the right time to renew a TBID in Fresno/Clovis; the most compelling reasons are as follows:

1. The Need to Increase Occupancy

The renewal of the FCTBID is a proactive effort to provide supplemental funding beyond that provided by the cities. The funding will ensure that adequate financing exists for the investment required to increase occupancy in the lodging industry and be competitive in the conference segment of the tourism market. The investment will cover an expanded marketing and promotional budget needed to reach this market segment.

2. An Opportunity for Increasing Cities' Tax Revenues

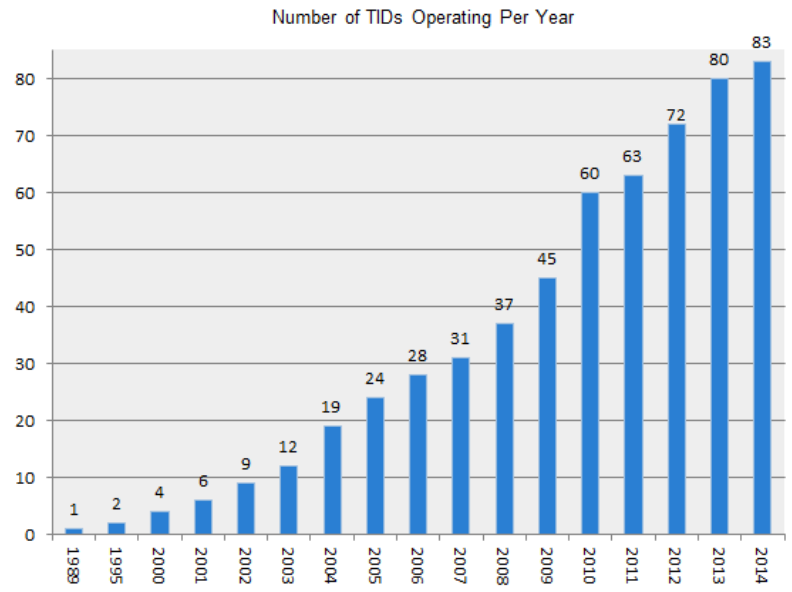
As occupancy rates increase, so too will the cities' TOT revenue. With stable public/private funding for tourism marketing efforts, annual occupancy rates should increase significantly as new marketing and sales promotion programs are implemented. Greater occupancy will also produce an increase in sales tax revenues from tourist spending. This represents a substantial return to the cities. The renewal of the FCTBID in partnership with the FCCVB creates a stable funding source tied directly to tourism promotion.

3. Stable Funding for Tourism Promotion

The FCTBID will provide a stable source of funding for consistent tourism promotion efforts. The FCTBID will provide funding for tourism promotion free of the political and economic circumstances that can reduce or eliminate government funding for tourism promotion.

III. BACKGROUND

TBIDs are an evolution of the traditional Business Improvement District. The first TBID was formed in West Hollywood, California in 1989. Since then, over eighty California destinations have followed suit. In recent years, other states have begun adopting the California model – Washington, Montana, and Texas have adopted TBID laws. Several other states are in the process of adopting their own legislation. And, some cities, like Portland, Oregon, have utilized their charter powers to create TBIDs without a state law.



California's TBIDs collectively raise over $150 million for local destination marketing. With competitors raising their budgets, and increasing rivalry for visitor dollars, it is important that Fresno and Clovis lodging businesses invest in stable, lodging-specific marketing programs.

TBIDs utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TBIDs allow lodging business owners to organize their efforts to increase room night sales. Lodging business owners within the TBID pay an assessment and those funds are used to provide services that increase room night sales.

In California, TBIDs are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a benefit assessment district to raise funds within a specific geographic area. *The key difference between TBIDs and other benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to TBID:

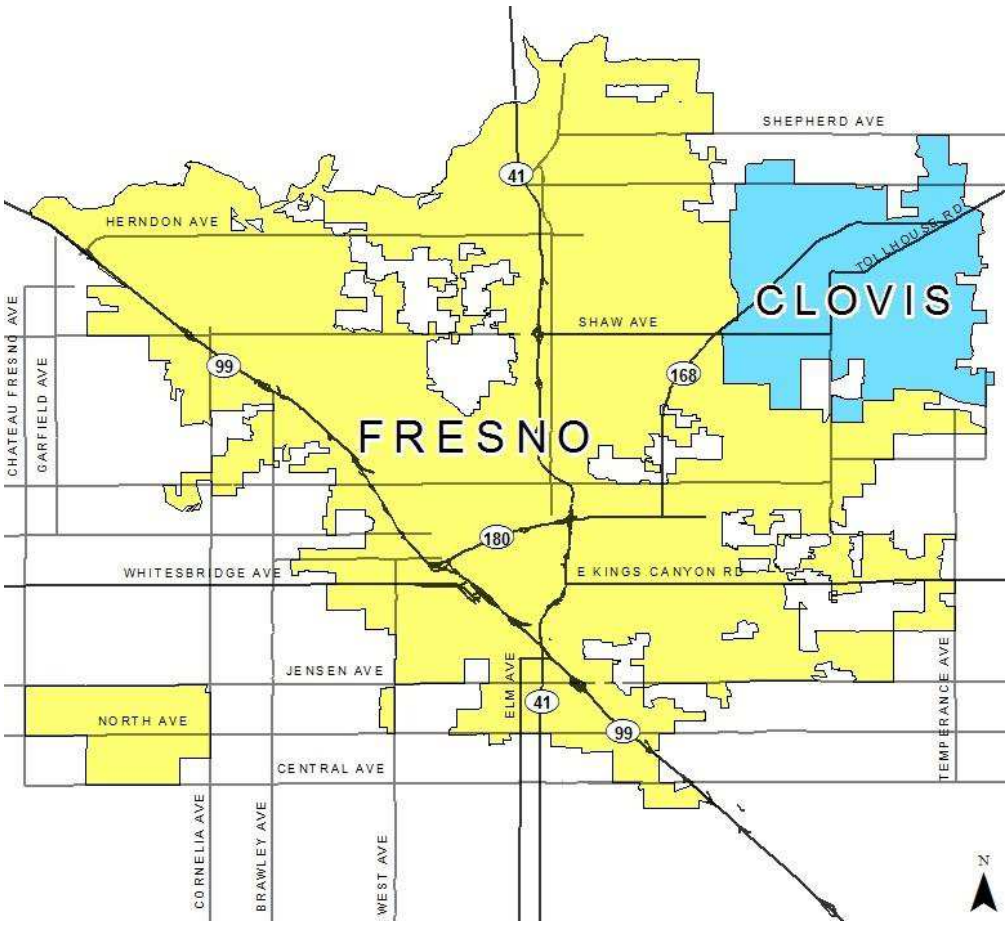
- Funds must be spent on services and improvements that provide a specific benefit only to those who pay;
- Funds cannot be diverted to general government programs;
- They are customized to fit the needs of payors in each destination;
- They allow for a wide range of services;
- They are ***designed, created and governed by those who will pay*** the assessment; and
- They provide a stable, long-term funding source for tourism promotion.

IV. BOUNDARY

The FCTBID will include all lodging businesses, existing and in the future, available for public occupancy located within the boundaries of the cities of Fresno and Clovis.

Lodging business means: any structure, or any portion of any structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof.

The boundary, as shown in the map below, currently includes eighty-nine (94) lodging businesses. A complete listing of lodging businesses within the proposed FCTBID can be found in Appendix 2.

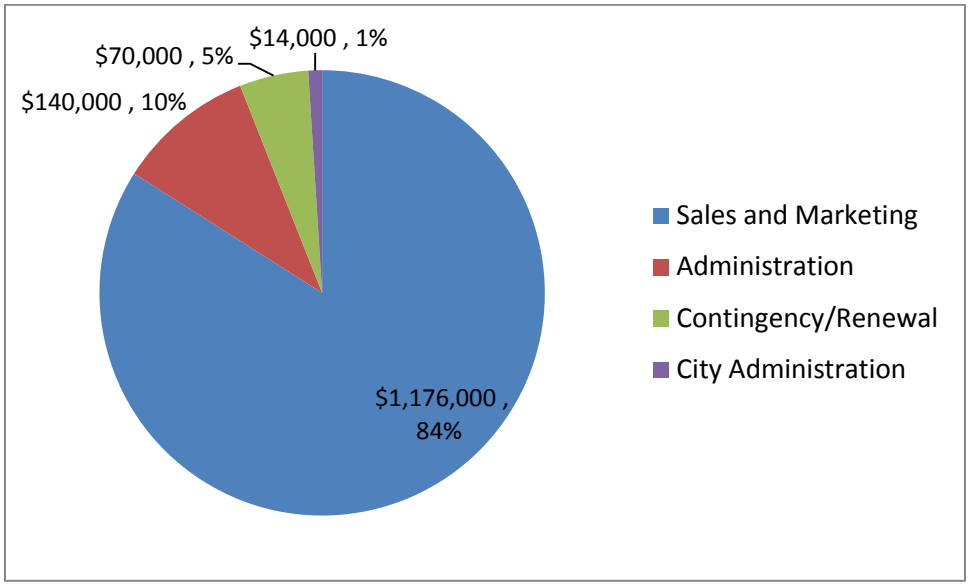


V. BUDGET AND SERVICES

A. Annual Service Plan

Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the City of conferring the benefits or granting the privileges. The privileges and services provided with the FCTBID funds are sales promotion and destination marketing programs. These FCTBID programs are only available to assessed businesses.

A service plan budget has been developed to deliver services that benefit businesses throughout the District. A detailed annual budget will be developed and approved by the Owners' Association. The table below illustrates the initial annual budget allocations.



Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the FCCVB board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the FCTBID, any and all assessment funds may be used for the costs of defending the FCTBID.

The annual assessment rate is one and one-half percent (1.5%) of gross short-term (stays less than 31 days) room rental revenue, for years one through five of the ten year term. In years six through ten, the annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. The table below portrays the potential annual assessment budget increase from one and one-half percent (1.5%) to two percent (2%) in year six of the ten year term. Additionally, a three percent (3%) annual increase in the total budget is shown, to account for estimated increased room night sales as a result of FCTBID efforts.

Estimated Annual Budget
2016-2025

FY	Sales and Marketing	Administration	Contingency	City Administration	Total
2016	$1,176,000	$140,000	$70,000	$14,000	$1,400,000
2017	$1,211,280	$144,200	$72,100	$14,420	$1,442,000
2018	$1,247,618	$148,526	$74,263	$14,853	$1,485,260
2019	$1,285,047	$152,982	$76,491	$15,298	$1,529,818
2020	$1,323,598	$157,571	$78,786	$15,757	$1,575,712
2021	$1,813,197	$215,857	$107,928	$21,586	$2,158,568
2022	$1,867,593	$222,333	$111,166	$22,233	$2,223,325
2023	$1,923,621	$229,003	$114,501	$22,900	$2,290,025
2024	$1,981,330	$235,873	$117,936	$23,587	$2,358,726
2025	$2,040,770	$242,949	$121,474	$24,295	$2,429,488

Sales and Marketing

A sales and marketing program will promote assessed businesses as tourist, meeting, and event destinations. The sales and marketing program will have a central theme of promoting Fresno and Clovis as a desirable place for overnight visits. The program will have the goal of increasing overnight visitation and room night sales at assessed businesses, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize internet presence to drive overnight visitation and room sales to assessed businesses;
- Print ads in magazines and newspapers targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Television ads targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Radio ads targeted at potential visitors to drive overnight visitation and room sales to assessed businesses;
- Attendance of trade shows to promote assessed businesses;
- Sales blitzes for assessed businesses;
- Familiarization tours of assessed businesses;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps featuring assessed businesses;
- Attendance of professional industry conferences and affiliation events to promote assessed businesses;
- Lead generation activities designed to attract tourists and group events to assessed businesses;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts for assessed businesses;
- Promotion of sporting events to drive overnight visitation and room sales to assessed businesses; and
- Education of lodging business management and the owners' association on marketing strategies best suited to meet assessed business's needs.

The administration and operations portion of the budget shall be utilized for administrative staffing costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees.

City Administration Fee
The Cities of Fresno and Clovis shall be paid a fee equal to 1% of the amount of assessment collected to cover their costs of collection and administration.

Contingency/Renewal
A prudent portion of the budget will be allocated to a contingency fund, to account for lower than anticipated collections. If there are contingency funds collected and near the expiration of the district there are contingency funds remaining, and business owners wish to renew the district, the contingency funds may be used for renewal costs.

B. Determination of Specific Benefit

State law requires that assessment funds be expended on specific benefits conferred directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the cities of conferring the benefits. The services in this Management District Plan are designed to provide targeted benefits directly to assessed lodging businesses. These services are tailored not to serve the general public, but rather to serve the specific lodging businesses within the District, e.g., the proposed activities are specifically targeted to increase room night sales for assessed lodging businesses within the boundaries of the District, and are narrowly tailored. FCTBID funds will be used exclusively to provide the specific benefit of increased room night sales directly to the assessees. For example, non-assessed businesses will not be featured in FCTBID programs and will not receive sales leads from them. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses.

Further, the assessment may be utilized to provide specific government services directly to the payors that are not provided to those not charged, and which do not exceed the reasonable costs to the City of providing the services. The legislature has recognized that marketing and promotions services like those to be provided by the FCTBID are, in the context of assessment districts, government services. Further, the amount of the assessment is no more than necessary to cover the reasonable costs of the proposed activities, and the manner in which the costs are allocated to a business owner bear a fair share or reasonable relationship to the businesses' benefits received from the proposed activities. A specific benefit is not excluded from classification as a "specific benefit" merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor. To the extent that other, non-District, lodging businesses may receive incremental room nights, that portion of the promotion or program generating those room nights shall be paid with non-District funds.

District services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. Funds will be managed by the Owners' Association, and reports submitted on an annual basis to the City. Only assessed businesses will be featured in marketing materials, receive sales leads generated from district-funded activities, be featured in advertising campaigns, and benefit from other district-funded services. Non-assessed businesses will not receive these, nor any other, district-funded services and benefits.

C. Assessment

The annual assessment rate is one and one-half percent (1.5%) of gross short-term (stays less than 31 days) room rental revenue, for years one through five of the ten year term. In years six through ten, the annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on the following stays:

- Stays of more than thirty (30) consecutive days;
- Stays by railroad crews and airline crews;
- Stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty or any federal or California city, county or state government officer or employee when on official business; and
- Stays by any occupant whose rent is of a value less than two dollars ($2.00) a day.

The term "gross room rental revenue" as used herein means: the consideration charged, whether or not received, for the occupancy of space in a lodging business valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, and property and services of any kind or nature, without any deduction therefrom whatsoever. Gross room rental revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes.

The amount of assessment, if passed on to each transient, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each transient shall receive a receipt for payment from the business. The assessment shall be disclosed as the "FCTBID Assessment." The assessment shall not be considered revenue for any purposes, including calculation of transient occupancy taxes.

Bonds shall not be issued.

D. Penalties and Interest

1. Any lodging business which fails to remit any assessment imposed within the time required shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment.
2. Any lodging business which fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment and the ten percent (10%) penalty first imposed.
3. If either City determines that the non-payment of any remittance due under this plan is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties stated in subsections 1 and 2 of this section.
4. In addition to the penalties imposed, any lodging business which fails to remit any assessment imposed shall pay interest at the rate of one percent (1%) per month or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
5. Every penalty imposed and such interest as accrues under the provisions of this section shall be merged with and become a part of the assessment herein required to be paid.

E. Time and Manner for Collecting Assessments

The FCTBID assessment will be implemented beginning January 1, 2016 and will continue for ten (10) years through December 31, 2025. Each city will be responsible for collecting the assessment

not less than quarterly (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the respective city, in the FCTBID, and forwarding the amount collected to the City of Fresno on a quarterly basis. Each city shall take all reasonable efforts to collect, or cause to be collected, the assessments from each lodging business located within its boundaries, within the FCTBID, including the collection of delinquent assessments. The assessment shall be collected using a return form developed and provided to the assessed businesses by the cities. The City of Fresno shall forward the assessment funds collected, including any delinquencies, penalties and interest, to the Owners' Association.

VI. GOVERNANCE

A. Owners' Association

The City Council, through adoption of this Management District 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 FCTBID as defined in Streets and Highways Code §36614.5. The City Council has determined that the Fresno/Clovis Convention and Visitors Bureau (FCCVB) will serve as the Owners' Association for the FCTBID.

B. Brown Act and California Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association is considered a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the FCCVB board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

C. Annual Report

The FCCVB shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner, to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

APPENDIX 1 – LAW

Property And Business Improvement District Law of 1994

Cal Sts & Hy Code § 36600 (2013)

*** This document is current through the 2014 Supplement ***
(All 2013 legislation)

ß 36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

ß 36601. Legislative findings and declarations

The Legislature finds and declares all of the following:

(a) Businesses located and operating within the business districts of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of the business districts of its cities in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow cities to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that benefits from those improvements.

(d) Assessments levied for the purpose of providing improvements and promoting activities that benefit real property or businesses are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the real property or businesses for which the improvements and activities are provided.

ß 36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within a business improvement area. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

ß 36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

ß 36603.5. Part prevails over conflicting provisions

Any provision in this part that conflicts with any other provision of law shall prevail over the other provision of law.

ß 36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ß 36605. [Section repealed 2001.]

ß 36606. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the properties or businesses located within a property and business improvement district.

ß 36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

ß 36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with *Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code*, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

ß 36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

ß 36610. 'Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

(a) Parking facilities.

(b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.

(c) Trash receptacles and public restrooms.

(d) Lighting and heating facilities.

(e) Decorations.

(f) Parks.

(g) Fountains.

(h) Planting areas.

(i) Closing, opening, widening, or narrowing of existing streets.

(j) Facilities or equipment, or both, to enhance security of persons and property within the area.

(k) Ramps, sidewalks, plazas, and pedestrian malls.

(l) Rehabilitation or removal of existing structures.

ß 36611. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

ß 36612. "Property"

"Property" means real property situated within a district.

ß 36613. "Activities"

"Activities" means, but is not limited to, all of the following:

(a) Promotion of public events which benefit businesses or real property in the district.

(b) Furnishing of music in any public place within the district.

(c) Promotion of tourism within the district.

(d) Marketing and economic development, including retail retention and recruitment.

(e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.

(f) Activities which benefit businesses and real property located in the district.

ß 36614. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

ß 36614.5. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement activities and improvements specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with *Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code*), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with *Section 6250) of Division 7 of Title 1 of the Government Code*), for all documents relating to activities of the district.

ß 36615. "Property owner"; "Business owner"; "Owner"

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

ß 36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ß 36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

ß 36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

ß 36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

ß 36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

(1) A map showing the boundaries of the district.

(2) Information specifying where the complete management district plan can be obtained.

(3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

ß 36622. Contents of management district plan

The management district plan shall contain all of the following:

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business

owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected lands and businesses included. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements and activities proposed for each year of operation are the same, a description of the first year's proposed improvements and activities and a statement that the same improvements and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof, including operation and maintenance.

(l) Any other item or matter required to be incorporated therein by the city council.

ß 36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with *Section 53753 of the Government Code*.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with *Section 54954.6 of the Government Code*, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall

contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

ß 36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements or activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

ß 36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish the proposed property and business improvement district, the city council shall adopt a resolution of formation that shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement about whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements and activities to be provided in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements and activities funded by the assessments proposed to be levied.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

ß 36626. Resolution establishing district

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in paragraphs (1) to (8), inclusive, of subdivision (b) of Section 36625, but need not contain information about the preliminary resolution if none has been adopted.

ß 36626.5. [Section repealed 1999.]

ß 36626.6. [Section repealed 1999.]

ß 36626.7. [Section repealed 1999.]

ß 36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk of the city shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

ß 36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

ß 36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements and activities.

ß 36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

ß 36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and a new district established pursuant to this part.

ß 36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same

lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part shall be charged interest and penalties.

ß 36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

ß 36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

ß 36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

ß 36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

ß 36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention; Modification of improvements and activities by adoption of resolution after public hearing

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public meetings and public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public meeting.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public meeting, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

ß 36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

ß 36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with *Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code*). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

ß 36641. [Section repealed 2001.]

ß 36642. [Section repealed 2001.]

ß 36643. [Section repealed 2001.]

ß 36650. Report by owners' association; Approval or modification by city council

(a) The owners' association 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 and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

(2) The improvements and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

ß 36651. Designation of owners' association to provide improvements and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements or activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

ß 36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

ß 36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assessees may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

ß 36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX 2 – ASSESSED BUSINESSES

LODGING BUSINESS	ADDRESS
Ambassador Inn & Suites	1804 W. Olive Avenue Fresno, CA 93728
America's Best Value Inn D/T	2425 Merced St. Fresno, CA 93721
Americas Best Value Inn-Clovis	1616 Clovis Avenue Clovis, CA 93612
Ashlan Inn	4278 W. Ashlan Avenue Fresno, CA 93722
Astro Motel	3393 N. Parkway Drive Fresno, CA 93722
Ayres Motel	2710 S. Orange Avenue Fresno, CA 93725
Best Budget Inn	7117 N. Blackstone Avenue Fresno, CA 93650
Best Western Clovis Cole	415 Clovis Avenue Clovis, CA 93612
Best Western Fresno Airport	1551 N. Peach Fresno, CA 93727
Best Western Fresno Inn	480 E. Shaw Ave. Fresno, CA 93710
Best Western Village Inn	3110 North Blackstone Ave. Fresno, CA 93703
Big Star Motel	2325 S. G St. Fresno, CA 93721
Comfort Inn	5455 W. Shaw Ave. Fresno, CA 93711
Comfort Suites	102 East Herndon Fresno, CA 93720
Comfort Suites Clovis	143 Clovis Avenue Clovis, CA 93612
Country Inn & Suites	6065 N. Thesta Fresno, CA 93710
Courtyard by Marriott-Shaw	140 E. Shaw Ave. Fresno, CA 93710
Crosslands	3460 W. Shaw Ave. Fresno, CA 93711
Days Inn Fresno	1101 N. Parkway Dr. Fresno, CA 93728
Day's Inn Highway 99	2640 South Second Street Fresno, CA 93706
Del Mar Motel	1849 N. Golden State Blvd. Fresno, CA 93705
Econo Inn	1828 Broadway Fresno, CA 93721
Econo Lodge-Parkway	445 N. Parkway Drive Fresno, CA 93706
Economy Inn	4290 N Blackstone Ave. Fresno, CA 93726
El Muir Motel	2339 S. G St. Fresno, CA 93721
Executive Inn	1087 Parkway Drive Fresno, CA 93728
Extended Stay America	7135 N. Fresno St. Fresno, CA 93720
Fairfield Inn by Marriott	50 N. Clovis Avenue Clovis, CA 93612
Flamingo Inn	1487 N Golden State Blvd. Fresno, CA 93728
Formosa Inn	4965 N Forestiere Avenue Fresno, CA 93722
Fresno Motel	1325 N. Golden State Blvd. Fresno, CA 93728
Fresno Motor Lodge Motel	1587 N. Golden State Blvd. Fresno, CA 93728
Gables Motel	2833 E. Church Ave. Fresno, CA 93706
Garden Inn & Suites	4949 N. Forestiere Avenue Fresno, CA 93722
Hampton Inn & Suites	855 W. Gettysburg Avenue Clovis, CA 93612
Hampton Inn & Suites Fresno	327 E. Fir Avenue Fresno, CA 93720
Hampton Inn & Suites-Kathryn	7194 Kathryn Avenue Fresno, CA 93722
Hilton Garden Inn	520 W. Shaw Avenue Clovis, CA 93612
Holiday Inn Express	7191 W. Kathryn Fresno, CA 93722
Holiday Inn Express Fresno/South	2660 South Second Street Fresno, CA 93706
Holiday Inn Express/Clovis	650 W. Shaw Avenue Clovis, CA 93612
Holiday Inn Express/Riverpark	7115 N. Howard St. Fresno, CA 93720

Holiday Inn Fresno Airport	5090 E. Clinton Way Fresno, CA 93727
Holiday Motel	1407 N. Golden State Blvd. Fresno, CA 93728
Homewood Suites by Hilton-Fresno	6820 N Fresno Street Fresno, CA 93710
Homewood Suites/Clovis	835 W. Gettysburg Avenue Clovis, CA 93612
Hotel California	530 N. Weber Ave. Fresno, CA 93728
Kings Canyon Motel	4770 E. Kings Canyon Rd. Fresno, CA 93702
Knights Inn (Formerly Days Inn)	4061 N. Blackstone Ave. Fresno, CA 93726
La Quinta Inn & Suites	5077 N. Cornelia Ave. Fresno, CA 93720
La Quinta Inn (Riverpark)	330 E. Fir Avenue Fresno, CA 93720
La Quinta Inn, Fresno D/T	2926 Tulare Street Fresno, CA 93721
Manchester Motel	3844 N. Blackstone Ave. Fresno, Ca 93726
Motel 6	5021 N. Barcus Fresno, CA 93722
Motel 6 #0006	4245 N. Blackstone Avenue Fresno, CA 93726
Motel 6 #1325	4080 N. Blackstone Avenue Fresno, CA 93726
Motel 6 #1352	1240 N. Crystal Avenue Fresno, CA 93728
Palace Inn	797 N. Parkway Dr. Fresno, CA 93728
Park Inn by Radisson	3737 N. Blackstone Ave. Fresno, CA 93726
Parkland Hotel	3095 N. Parkway Drive Fresno, CA 93722
Parkside Inn	1415 W. Olive Ave. Fresno, CA 93728
Piccadilly Inn Express/Chateau Inn	5113 E. McKinley Avenue Fresno, CA 93727
Piccadilly Inn-Airport	5115 E. McKinley Avenue Fresno, CA 93727
Piccadilly Inn-Shaw	2305 W. Shaw Avenue Fresno, Ca 93711
Plaza Motel	1940 Broadway Fresno, CA 93721
Quality Inn North	6051 N. Thesta Avenue Fresno, CA 93710
Radisson Hotel	1055 Van Ness Avenue Fresno, CA 93721
Ramada Northwest	5046 W. Barcus Fresno, CA 93722
Ramada University	324 E. Shaw Avenue Fresno, CA 93710
Red Roof Inn	4141 N. Blackstone Ave. Fresno, CA 93726
Residence Inn by Marriott	5322 N. Diana Avenue Fresno, CA 93710
River Park Inn (formerly Knight's Inn)	6090 N. Blackstone Avenue Fresno, CA 93710
Rodeway Inn	959 N. Parkway Drive Fresno, CA 93728
Rodeway Inn-Blackstone	6730 N. Blackstone Avenue Fresno, CA 93710
Royal Motel	3391 N. Parkway Drive Fresno, CA 93722
San Joaquin Suites	1309 W. Shaw Avenue Fresno, CA 93711
Sands Motel	1441 N. Golden State Blvd. Fresno, CA 93728
Sequoia Motel	4707 E. Kings Canyon Rd. Fresno, CA 93702
Sierra Inn	949 N. Parkway Drive Fresno, CA 93728
Springhill Suites by Marriott	6844 N. Fresno St. Fresno, CA 93710
Starlite Inn	3335 N. Parkway Drive Fresno, CA 93722
Summerfield Inn	6309 N. Blackstone Ave. Fresno, CA 93710
Super 8 Motel	2127 Inyo Street Fresno, CA 93721
Town House Motor Hotel	1383 N. Motel Drive Fresno, CA 93728
Towne Place Suites	7127 N. Fresno St. Fresno, CA 93720
Travel Inn & Suites	1444 W. White Ave. Fresno, CA 93728
Travelodge-Blackstone	3876 N. Blackstone Ave. Fresno, CA 93726

University Inn	2655 E. Shaw Avenue Fresno, CA 93710
University Square Hotel	4961 N. Cedar Avenue Fresno, CA 93726
Uniwell Fresno Hotel LLC (formerly Radisson Hotel & Conference Center)	2233 Ventura Street Fresno, CA 93721
Vagabond Inn	2570 S. East Avenue Fresno, CA 93706
Valley Inn	933 N. Parkway Drive Fresno, CA 93728
Villa Motel	817 N. Parkway Drive Fresno, CA 93728
Welcome Inn	777 N. Parkway Drive Fresno, CA 93728

NOTICE OF PUBLIC MEETING AND PUBLIC HEARING CONCERNING THE RENEWAL OF THE FRESNO/CLOVIS TOURISM BUSINESS IMPROVEMENT DISTRICT AND LEVY OF AN ASSESSMENT ON CERTAIN LODGING BUSINESSES WITHIN THE DISTRICT

NOTICE IS HEREBY GIVEN that on October 30, 2014, the City Council (the "Council") of the City of Fresno (the "City") adopted a Resolution of Intention to renew the Fresno/Clovis Tourism Business Improvement District (the "FCTBID") and to levy an assessment on certain lodging businesses within the FCTBID as set forth in the attached Resolution of Intention.

NOTICE IS HEREBY FURTHER GIVEN that at 10:00 AM on November 20, 2014, at the City of Fresno Council Chambers, 2600 Fresno Street, Fresno, CA 93721, a public meeting shall be held pursuant to Government Code section 54954.6 to allow public testimony regarding the renewal of the FCTBID and the levy of assessments therein as set forth in the enclosed Resolution of Intention and pursuant to Government Code section 54954.6.

NOTICE IS HEREBY FURTHER GIVEN that at 2:00 PM on December 18, 2014, at the City of Fresno Council Chambers, 2600 Fresno Street, Fresno, CA 93721, has been set as the time and place for a public hearing at which time the Council proposes to renew the FCTBID and to levy the proposed assessment as set forth in the Resolution of Intention.

Boundaries: The renewed FCTBID includes all lodging businesses located within the boundaries of the cities of Fresno and Clovis.

Assessment: The annual assessment rate is one and one-half percent (1.5%) of gross short-term (stays less than 31 days) room rental revenue, for years one through five of the ten year term. In years six through ten, the annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by railroad crews, airline crews, or tax exempt government employees on government business as described in detail in section V of the Management District Plan.

Budget: The total FCTBID annual budget for the first five (5) years of its ten (10) year operation is anticipated to be approximately $1,400,000 per year. The anticipated annual budget for the last five (5) years of its ten (10) year operation will be approximately $2,000,000 per year. This budget is expected to fluctuate as room sales and the assessment rate do, as detailed in Section VI of the Management District Plan.

Purpose: The FCTBID is designed to provide specific benefits directly to payors by increasing room night sales. Destination marketing and sales promotions will increase overnight tourism and market payors as tourist, meeting and event destinations, thereby increasing room night sales.

Collection: Each City will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, penalties and interest) from each lodging business located in its jurisdiction. Each City shall take all reasonable efforts to collect the assessments from each lodging business.

Protest: Any owner of a lodging business within the renewed FCTBID that will be subject to the assessment may protest the renewal of the FCTBID. If written protests are received from the owners of lodging businesses in the renewed FCTBID who represent 50 percent (50%) or more of the estimated annual assessments to be levied, the FCTBID shall not be renewed and the assessment shall not be imposed.

You may mail a written protest to:

Office of the City Clerk
City of Fresno
2600 Fresno Street
Fresno, CA 93721

You may also appear at the public hearing and submit a written protest at that time.

Information: Should you desire additional information about this proposed FCTBID or assessment contact:

Ms. Layla Forstedt
Fresno/Clovis Convention and Visitors Bureau
1550 E. Shaw Avenue, Suite 101
Fresno, CA 93710
(559) 981-5500

Dated: _____

_____
City Clerk

RESOLUTION NO. 2014 - _____

RESOLUTION REQUESTING CONSENT OF THE CITY OF CLOVIS TO RENEW THE FRESNO/CLOVIS TOURISM BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the City of Fresno created the FCTBID in 2010, which district includes the City of Clovis; and

WHEREAS, the district was formed for a five (5) year term ending on December 31, 2015; and

WHEREAS, the City Council of the City of Fresno desires to begin proceedings to renew the Fresno/Clovis Tourism Business Improvement District ("FCTBID"); and

WHEREAS, certain lodging business owners have requested that the City Council (the "Council") of the City of Fresno (the "City") renew the FCTBID; and

WHEREAS, a portion of the territory proposed to be included in the FCTBID lies within the boundaries of the City of Clovis, as shown on the map attached hereto as Exhibit A and incorporated herein by such attachment; and

WHEREAS, the portion of the City of Clovis which is within the boundaries of the proposed FCTBID will, in the opinion of the Council, be benefited by the improvements and activities, and the purpose sought to be accomplished by the work can best be accomplished by a single comprehensive scheme of work.

NOW, THEREFORE, be it resolved by the City Council of the City of Fresno that:

Section 1: The above recitals are true and correct.

Section 2: Consent of the City of Clovis, through its City Council, is hereby requested to create the FCTBID, and to grant to the Council jurisdiction for all the purposes in connection with creation and operation of the proposed FCTBID.

Section 3: The Clerk of the City Council is hereby directed to transmit a certified copy of this Resolution to the Clerk of the City of Clovis.

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: _____

Resolution No. _____

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

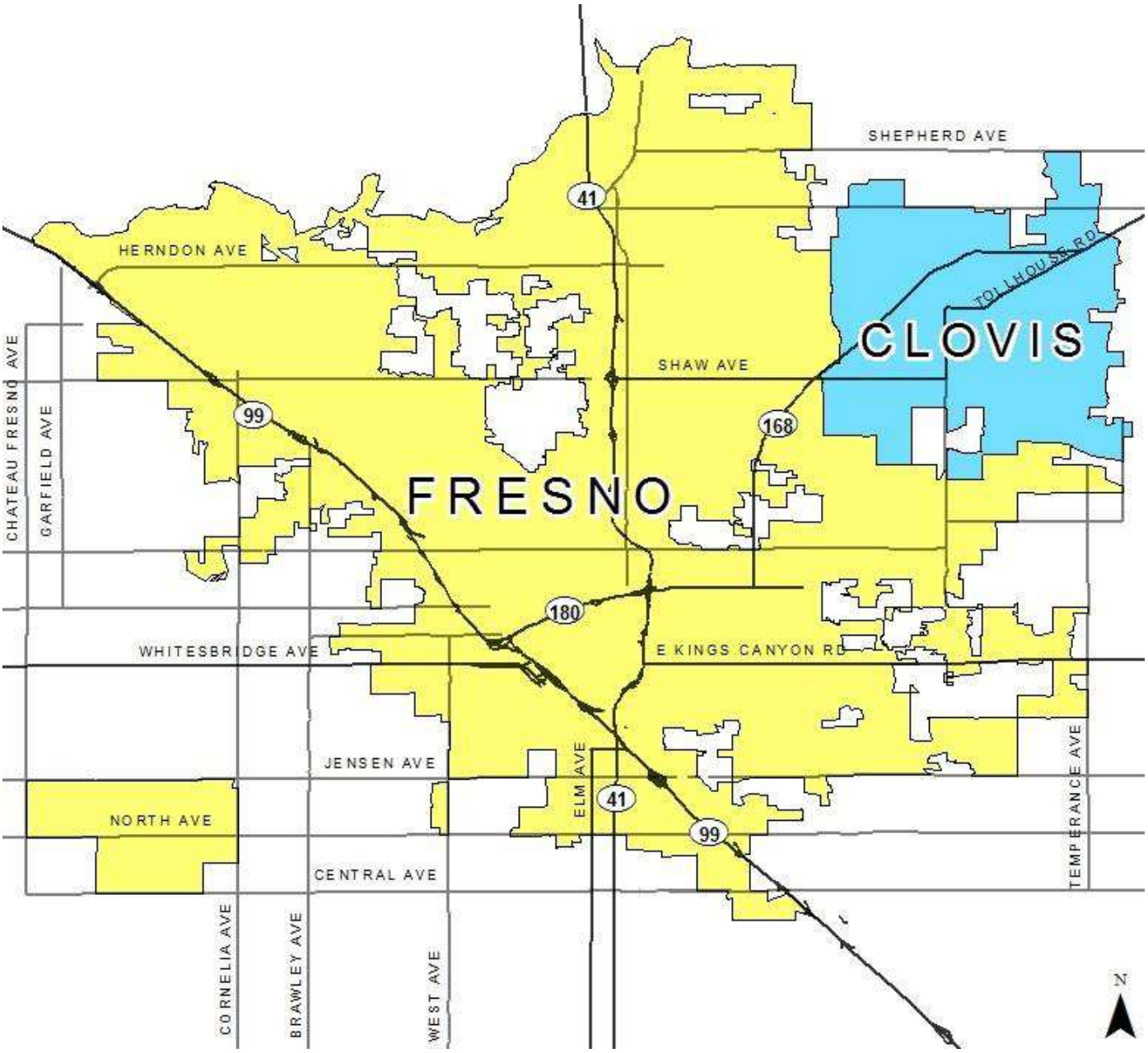
BY:_____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY:_____
Katherine B. Doerr [date]
Supervising Deputy City Attorney

KBD:elb [65859elb/kbd] Reso

Boundary Map



RESOLUTION NO. 2014 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRESNO DECLARING ITS INTENTION TO RENEW THE FRESNO/CLOVIS TOURISM BUSINESS IMPROVEMENT DISTRICT (FCTBID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

WHEREAS, the City of Fresno created the Fresno/Clovis Tourism Business Improvement District (FCTBID) on December 16, 2010 by Resolution No. 2010-295; and

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the City to renew business improvement districts for the purposes of promoting tourism; and

WHEREAS, the Fresno/Clovis Convention and Visitors Bureau, lodging business owners, members of the business community and representatives from the City of Fresno have met to consider the renewal of the FCTBID; and

WHEREAS, the Fresno/Clovis Convention and Visitors Bureau has drafted a Management District Plan which sets forth the proposed boundary of the FCTBID, a service plan and budget, and a proposed means of governance; and

WHEREAS, lodging businesses which will pay more than fifty percent (50%) of the assessment under the FCTBID have petitioned the City Council to establish the FCTBID.

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

1. The recitals set forth herein are true and correct.

2. The City Council finds that the lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Management District Plan have signed and submitted petitions in support of the renewal of the FCTBID. The City Council accepts the petitions and adopts this Resolution of Intention to renew the FCTBID and to levy an assessment on certain lodging businesses within the FCTBID boundaries in accordance with the Property and Business Improvement District Law of 1994.

3. The City Council finds that the Management District Plan satisfies all requirements of Streets and Highways Code § 36622.

4. The City Council declares its intention to renew the FCTBID and to levy and collect assessments on lodging businesses within the FCTBID boundaries pursuant to the Property and Business Improvement District Law of 1994.

5. The FCTBID shall include all lodging businesses located within the boundaries of the cities of Fresno and Clovis, as shown in the map, attached as Exhibit A.

6. The name of the district shall be Fresno/Clovis Tourism Business Improvement District (FCTBID).

7. The annual assessment rate is one and one-half percent (1.5%) of gross short-term (stays less than 31 days) room rental revenue, for years one through five of the ten year term. In years six through ten, the annual assessment rate is two percent (2%) of gross short-term (stays less than 31 days) room rental revenue. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days, nor on stays by railroad crews, airline crews, or tax exempt government employees on government business as described in detail in section V of the Management District Plan.

8. The assessments levied for the FCTBID shall be applied toward sales promotion and destination marketing programs to market assessed lodging businesses in Fresno and Clovis as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which FCTBID assessments are levied as long as they are used consistent with the requirements of this resolution and the Plan.

9. The FCTBID will have a ten (10) year term, beginning January 1, 2016 through December 31, 2025, unless renewed pursuant to Streets and Highways Code § 36660.

10. Bonds shall not be issued.

11. The time and place for the public meeting to hear testimony on renewing the FCTBID and levying assessments are set for November 20, 2014, at 10:00 AM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 2600 Fresno Street, Fresno, CA 93721.

12. The time and place for the public hearing to renew the FCTBID and the levy of assessments are set for December 18, 2014, at 2:00 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 2600 Fresno Street, Fresno, CA 93721. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623.

13. At the public meeting and hearing the testimony of all interested persons for or against the establishment of the FCTBID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed FCTBID that will pay more than fifty percent (50%) of the estimated total assessment of the entire FCTBID, no further proceedings to establish the FCTBID shall occur for a period of one year.

14. The complete Management District Plan is on file with the City Clerk and may be reviewed upon request.

15. This resolution shall take effect immediately upon its adoption by the City Council.

* * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the day of _____, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

BY:_____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY:_____
Katherine B. Doerr Date
Supervising Deputy

KBD:elb [65876elb/kbd] Reso

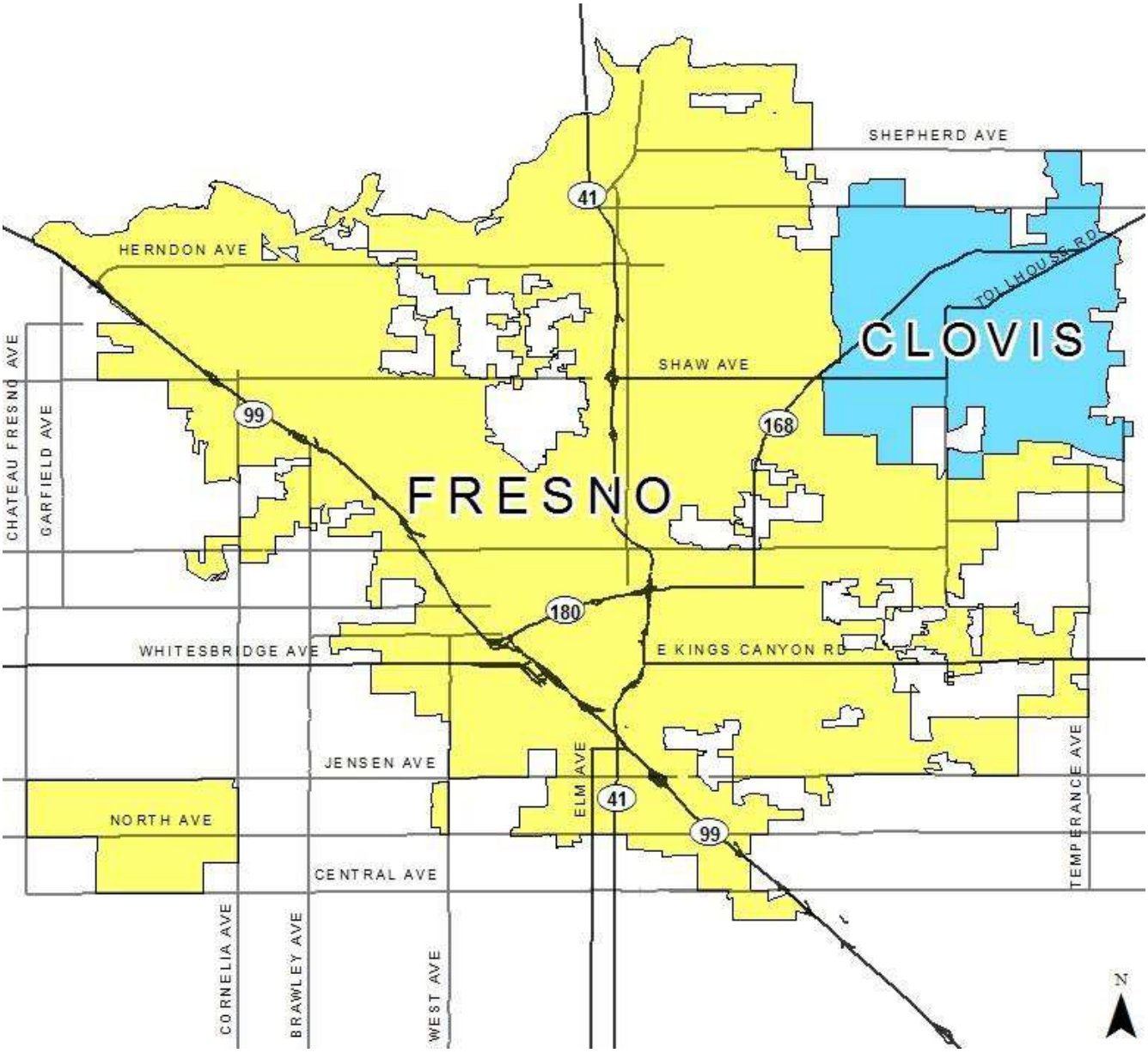



EXHIBIT A
District Boundaries