

915

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Executive Office & Treasurer-Tax Collector

**SUBMITTAL DATE:**  
October 21, 2008

**SUBJECT:** Public meeting regarding the formation of the Palm Springs Desert Communities Tourism Business Improvement District.

**RECOMMENDED MOTION:** That the Board of Supervisors provide an opportunity for comments and questions pertaining Resolution 2008-442, declaration of intent to form the Palm Springs Desert Resort Communities Tourism Business Improvement District.

**BACKGROUND:** On September 30, 2008, (item #3.19) the County Board of Supervisor approved Resolution 2008-442 (Attachment A) declaring its intent to establish the Palm Springs Desert Resort Communities Tourism Business Improvement District (Tourism BID) in the Coachella Valley. Resolution 2008-442 identifies the details of the proposed Tourism BID.

Today's public meeting was scheduled to comply with requirements pursuant to provisions of California Government Code Section 54954.6 and California Streets and Highways Code Section 36523.5. It is recommended that the Board of Supervisors provide an opportunity for comments and questions pertaining to Resolution 2008-442 and the proposed Tourism BID.

Departmental Concurrence

Paul McDonnell, Treasurer-Tax Collector

Dan Martinez, Deputy County Executive Officer

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2008/09

<b>SOURCE OF FUNDS:</b> N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** **APPROVE**

County Executive Office Signature BY:   
Gary M. Christmas

- Dep't Recomm.:  Consent  Policy
- Per Exec. Ofc.:  Consent  Policy

Board of Supervisors

RESOLUTION NO. 2008 - 442

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
DECLARING ITS INTENTION TO ESTABLISH THE PALM SPRINGS DESERT RESORT  
COMMUNITIES TOURISM BUSINESS IMPROVEMENT DISTRICT, DECLARING ITS INTENTION  
TO LEVY AN ASSESSMENT FOR THE FISCAL YEAR 2008-2009 ON CERTAIN HOTELS AND  
MOTELS LOCATED WITHIN THE PROPOSED DISTRICT, AND SETTING THE TIME AND PLACE  
OF A PUBLIC MEETING AND PUBLIC HEARING AND GIVING NOTICE OF SAME

WHEREAS, the California Legislature in adopting the Parking and Business Improvement Area Law of 1989 (Streets & Highways Code § 36500 et, seq.) (the "Act") authorized cities and counties to levy assessments on businesses in order to promote economic revitalization and tourism, to create jobs, attract new businesses and prevent erosion of business districts; and

WHEREAS, the Board of Supervisors of the County of Riverside ( the "Board of Supervisors") intends to establish a business improvement district ("BID"), under the Act, to be commonly known as the Palm Springs Desert Resort Communities Tourism Business Improvement District ("Tourism BID"), the purpose of which is to promote tourism within the desert communities and to fund programs that benefit the hotel and motel businesses within desert communities; and

WHEREAS, lodging businesses within the boundaries of the proposed Tourism BID have requested that the Board of Supervisors establish such a business improvement district; and

WHEREAS, the Board of Supervisors intends to levy an annual assessment, except where funds are otherwise available, in order to pay for all activities within the proposed Tourism BID; and

WHEREAS, the territory proposed to be included in the Tourism BID is coterminous with the operational boundaries of the Palm Springs Desert Resorts Convention and Visitor's Authority ("CVA"), excluding that area within the incorporated city limits of the City of Palm Desert, but including

1 unincorporated Coachella Valley and the cities of Cathedral City, Desert Hot Springs, Indian Wells, Indio,  
2 La Quinta, Palm Springs, and Rancho Mirage, which cities have granted the County of Riverside authority  
3 to create the proposed Tourism BID within their jurisdictions; and

4 WHEREAS, it is the opinion of the Board of Supervisors that the hotel and motel businesses located  
5 within the proposed Tourism BID will benefit from the activities of the proposed Tourism BID; and

6 WHEREAS, this Resolution of Intention will commence proceedings under the Act to establish the  
7 Tourism BID and to levy the annual assessment for the Tourism BID for the 2008-2009 fiscal year;

8 NOW, THEREFORE, the Board of Supervisors of the County of Riverside does hereby resolve,  
9 find, determine and order as follows:

10 Section 1. Recitals are True and Correct. The recitals set forth herein are true and correct.

11 Section 2. Intent to Establish Tourism BID. The Board of Supervisors declares its intent to  
12 establish a business improvement district under the Act, to be commonly known as the Palm Springs Desert  
13 Resort Communities Tourism Business Improvement District. The boundaries of the Tourism BID are  
14 proposed to be coterminous with the operational boundaries of CVA, excluding that area within the  
15 incorporated city limits of the City of Palm Desert, but including unincorporated Coachella Valley and the  
16 cities of Cathedral City, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Springs, and Rancho  
17 Mirage. A map reflecting the proposed boundaries of the Tourism BID is attached hereto as Exhibit A and  
18 is also on file with the Clerk of the Board.

19 Section 3. Assessment. Except where funds are otherwise available, an assessment will be levied  
20 annually to pay for all activities within the Tourism BID. An annual assessment is proposed to be levied  
21 pursuant to the Act on all hotels and motels that are located within the proposed boundaries of the Tourism  
22 BID and that have fifty (50) or more sleeping rooms. For purposes of complying with Government Code  
23 Section 54954.6, it is estimated that approximately \$5.8 million in revenue will likely be raised by the  
24 proposed annual assessment. It is expected that the assessment levy will first be imposed in January 2009.  
25 For the remaining half of the 2008 – 2009 fiscal year, it is estimated that approximately \$2.9 million in  
26 revenue will likely be raised.  
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1           Section 4. Method and Basis of Levy. The proposed method and basis of levying the assessment to  
2 allow each business owner to estimate the amount of the assessment to be levied against his or her business  
3 are as follows:

4           a.       The assessment for hotels and motels with fifty (50) or more sleeping rooms is two percent  
5 (2%) of the gross rental charges for overnight room stays. Gross rental charges shall equal the total dollar  
6 amount charged to guests for overnight room rentals, but shall not include incidental room charges such as  
7 room service, video rental, or other like charges. Gross rental charges are equal to the total consideration  
8 charged for room rental valued in U. S. dollars, whether or not received and whether received in money or  
9 other consideration such as goods, labor, property or otherwise.  
10

11           b.       New hotels and motels that have fifty (50) or more sleeping rooms and are located within  
12 the proposed boundaries of the Tourism BID will not be exempt from the levy of assessment pursuant to  
13 Section 36531 of the California Streets and Highways Code.  
14

15           c.       The benefit assessments shall be collected by the County in four (4) installments. Each  
16 operator of an assessable hotel or motel shall, before the last day of the month following each quarter, make  
17 a report to the County Treasurer-Tax Collector on forms provided by the County reflecting the amount of  
18 assessment due for that quarter. The report and amount become delinquent on the last day of the month  
19 following the close of each calendar quarter. The full amount of the assessment calculated shall be  
20 remitted to the County Treasurer-Tax Collector at the time that the return form is filed. The County  
21 Treasurer-Tax Collector may establish shorter reporting or remitting periods for any operator and may  
22 require additional information in any return. Returns and payments are due immediately upon cessation of  
23 business for any reason. Each return shall contain a declaration under penalty of perjury, executed by the  
24 operator or its authorized agent, that, to the best of the declarant's knowledge, the statements in the return  
25 are true, correct, and complete. Any operator of an assessable hotel or motel who fails to remit any  
26 assessment within the time required shall pay a penalty of ten percent (10%) of the amount of the  
27 assessment in addition to the amount of the assessment. Any operator of an assessable hotel or motel who  
28

1 fails to remit any delinquent remittance on or before the fifteenth day of the month following the date of the  
2 first penalty shall pay a second delinquency penalty of ten percent (10%) of the amount of  
3 the assessment in addition to the amount of assessment and the ten percent (10%) penalty first imposed.

4 d. The County may charge an administrative fee for the collection and processing of the  
5 assessments in order to cover its reasonable costs for this service.

6 e. If the County Treasurer-Tax Collector determines that the nonpayment of any assessment is  
7 due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto  
8 in addition to the penalties stated above.

9 f. In addition to the penalties imposed, any operator of an assessable hotel or motel who fails  
10 to remit any assessment shall pay interest at the rate of one percent (1%) per month, or fraction thereof, on  
11 the amount of tax, exclusive of penalties, from the date on which the remittance first became delinquent  
12 until paid.

13 g. Every penalty imposed and such interest as accrued under the provisions of this section shall  
14 become a part of the assessment required to be paid.

15 Section 5. Types of Activities To Be Funded. The proposed type or types of activities to be funded  
16 by and through the annual levy of assessments on businesses within the Tourism BID are as follows:

- 17 a. Marketing, advertising, and public relations;  
18 b. Brochure development and distribution;  
19 c. Promotion of public events which benefit businesses in the area and which take place  
20 on or in public places within the area;  
21 d. Activities which benefit businesses located and operating in the area, including but  
22 not limited to downtown shopping and promotional programs.  
23

24 Section 6. Advisory Board. Pursuant to Resolution Number 2008-330, adopted by the Board on  
25 July 1, 2008, the Board of Supervisors appointed the Hospital Industry and Business Council ("HIBC") of  
26 CVA to serve as the Advisory Board described in Government Code Section 36530. HIBC has filed a  
27  
28

1 report with the Clerk of the Board. The Board of Supervisors tentatively approves said report subject to  
2 any further modification that may be necessary or desirable based upon future recommendations by staff  
3 and public participation at the public meeting and public hearing.

4           Section 7. Joint Notice of Time and Place of Public Meeting and Public Hearing.

5           NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Riverside will hold a  
6 Public Meeting and Public Hearing on the proposed establishment of the Tourism BID and the proposed  
7 levy of annual assessments:  
8

9           The time and place of the public meeting on the proposed establishment of the Tourism BID and the  
10 proposed annual levy of assessments shall be at 9:00 a.m., October 28, 2008, or as soon thereafter as this  
11 matter may be heard, at the Board of Supervisor's Chambers, located on the first floor of the County  
12 Administrative Center, 4080 Lemon Street in Riverside, California 92501. The public meeting may be  
13 continued from time to time as necessary.  
14

15           The time and place of the public hearing on the proposed establishment of the Tourism BID and the  
16 proposed annual levy of assessments shall be at 9:30 a.m., November 18, 2008, or as soon thereafter as this  
17 matter may be heard, at the Board of Supervisor's Chambers, located on the first floor of the County  
18 Administrative Center, 4080 Lemon Street in Riverside, California 92501. The public hearing may be  
19 continued from time to time as necessary.  
20

21           At the public hearing set forth above, the testimony of all interested persons for or against the  
22 establishment of the Tourism BID, the extent of the area, or the furnishing of specific types of  
23 improvements or activities will be heard by the Board of Supervisors, which will also consider the adoption  
24 of the ordinance establishing the Tourism BID and authorizing the assessment for the 2008-2009 fiscal  
25 year.  
26

27           At the public hearing, the Board of Supervisors will also hear and consider all protests against the  
28 establishment of the Tourism BID, the extent of the area of the Tourism BID, and/or the furnishing of

1 specified activities within the Tourism BID made by any owner of any assessable hotel or motel within the  
2 proposed boundaries of the Tourism BID and determine whether or not a majority protest exists.

3 Any person who wishes to be heard regarding the proposed Tourism BID may appear at the public  
4 meeting and public hearing or may send written comments to: Nancy Romero, Clerk of the Board, 4080  
5 Lemon Street, Riverside, CA 92501. Further information concerning the proposed Tourism BID and  
6 proposed assessment may be obtained from Dan Martinez, Deputy County Executive Officer, County  
7 Administrative Center, 4<sup>th</sup> Floor, Riverside, California 92501; telephone number (760) 863-8340.  
8

9 In compliance with the Americans with Disabilities Act, if you need special assistance to participate  
10 in the meeting or public hearing, or if you need further information relating to the subject meeting or  
11 hearing, please contact the Clerk of the Board's Office at (951) 955-1060. Notification at least 48 hours  
12 prior to the meeting will assist the County staff in assuring that reasonable arrangements can be made to  
13 provide accessibility.  
14

15 The Clerk of the Board is authorized and directed to publish a copy of this resolution in a  
16 newspaper or newspapers of general circulation within the unincorporated area of the Coachella Valley of  
17 the County and within each of the cities of Cathedral City, Desert Hot Springs, Indian Wells, Indio, La  
18 Quinta, Palm Desert, Palm Springs, and Rancho Mirage once per week for each of three weeks. Said  
19 publication shall be a display advertisement of at least one-eighth page and shall be first published at least  
20 forty-five days prior to the date of the public hearing.  
21

22 In addition, the Clerk of the Board is authorized and directed to mail copies of this Resolution by  
23 first-class mail to those interested parties who filed a written request with the County for mailed notice of  
24 public meetings or hearings on new or increased general taxes or assessments. Copies of this Resolution  
25 shall also be mailed by first-class mail to the known owners of each assessable hotel and motel within the  
26 proposed boundaries of the Tourism BID.  
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1           Section 8. Protests. The Board of Supervisors will consider all protests against the establishment of  
2 the Tourism BID, the extent of the area of the Tourism BID, and/or the furnishing of specified activities  
3 within the Tourism BID. The following rules shall apply to all protests:

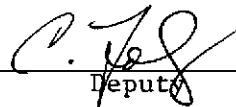
- 4           a. A protest may be made orally or in writing by any interested person. Any protest  
5           pertaining to the regularity or sufficiency of the proceedings shall be in writing and  
6           shall clearly set forth the irregularity or defect to which the objection is made.  
7
- 8           b. Every written protest shall be filed with the Office of the Clerk of the Board, located  
9           at County Administrative Center, 4080 Lemon Street, 1st Floor, Riverside,  
10           California 92501, at or before the time fixed for the public hearing as set forth  
11           above.  
12
- 13           c. The Board of Supervisors may waive any irregularity in the form or content of any  
14           written protest, and at the public hearing, may correct minor defects in the protest.  
15
- 16           d. A written protest may be withdrawn in writing at any time before the conclusion of  
17           the public hearing set forth above.  
18
- 19           e. Each written protest shall contain a description of the business in which the person  
20           subscribing the protest is interested, sufficient to identify the business, and if a  
21           person subscribing is not shown on the official records of the County of Riverside as  
22           the owner of the business, the protest shall contain or be accompanied by written  
23           evidence that the person subscribing is the owner of the business. A written protest  
24           that does not comply with this paragraph shall not be counted in determining a  
25           majority protest.  
26
- 27           f. If written protests are received from the owners of businesses in the proposed  
28           Tourism BID which will pay fifty percent (50%) or more of the assessments  
          proposed to be levied and protests are not withdrawn so as to reduce the protests to  
          less than the fifty percent (50%), no further proceedings on the proposal to establish

1 the Tourism BID or to levy the proposed assessment, as specified by this resolution  
2 of intention, shall be taken by the Board of Supervisors for a period of one year from  
3 the date of the filing of a majority protest. However, if the majority protest is only  
4 against the furnishing of a specified type or types of improvement or activity within  
5 the proposed Tourism BID, those types of improvements or activities shall be  
6 eliminated and the Tourism BID shall be established and the proposed annual  
7 assessment shall be levied.  
8

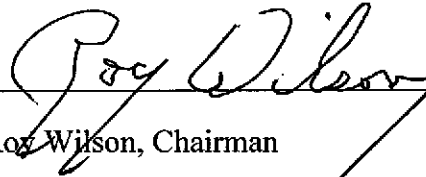
9 Section 9. Effective Date. This resolution shall take effect immediately upon its adoption.

10 PASSED AND ADOPTED this 30<sup>th</sup> day of September, 2008.

11 ATTEST:

12  
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14 

15 Deputy  
16 Nancy Romero, Clerk of the Board

17  
18 

19 Roy Wilson, Chairman

20 Board of Supervisors of the County of Riverside

21  
22 The foregoing is certified to be a true copy of a  
23 resolution duly adopted by said Board of Super-  
24 visors on the date therein set forth.

25 NANCY ROMERO, Clerk of said Board

26 By  Deputy

27 APPROVED AS TO FORM:

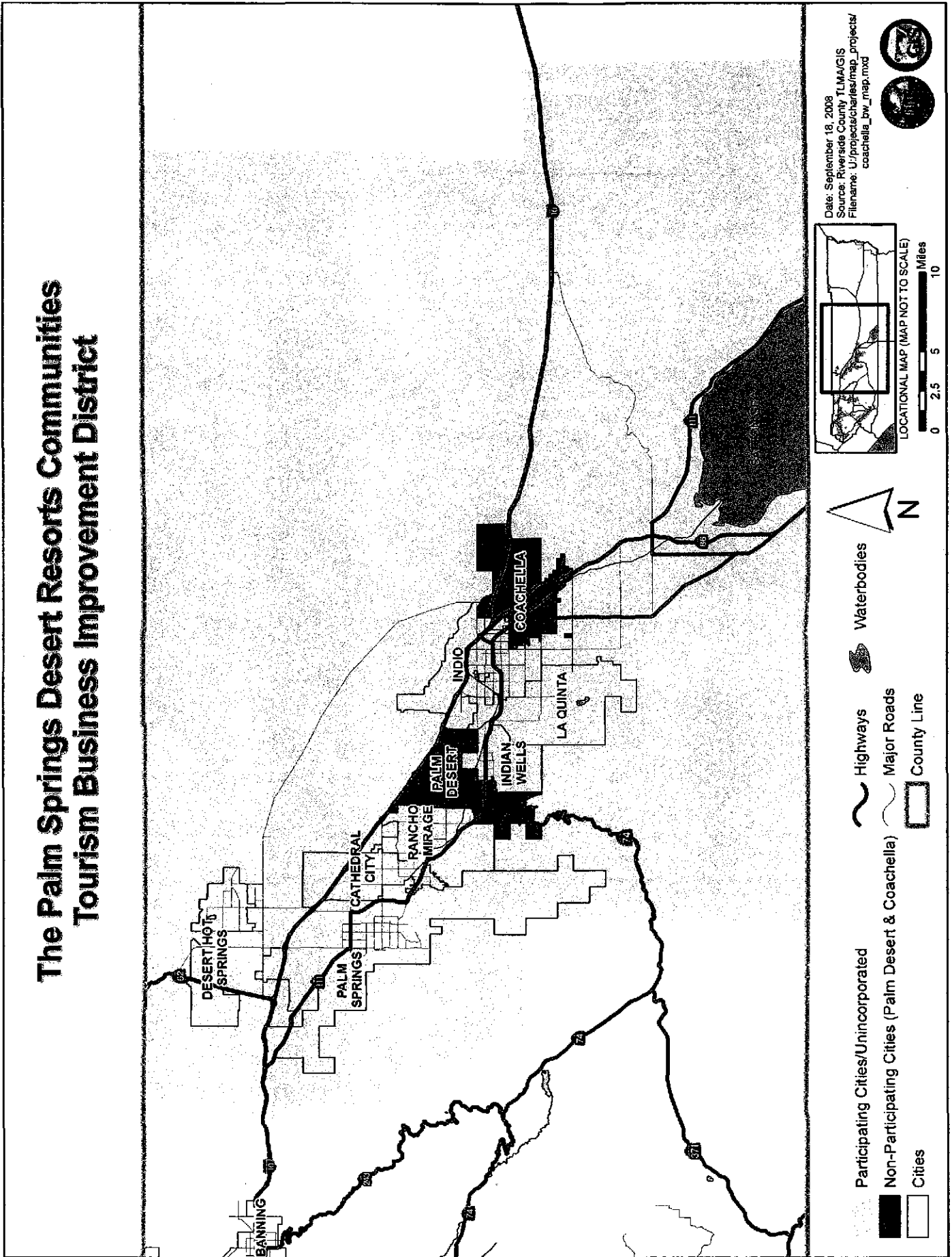
28 FORM APPROVED COUNTY COUNSEL

BY:  9/30/08  
DALE A. GARDNER DATE

\_\_\_\_\_  
Joe Rank, County Counsel

09.30.08 3.19

# The Palm Springs Desert Resorts Communities Tourism Business Improvement District



**The Palm Springs Desert Resorts Communities  
Tourism Improvement District  
Boundary Description**

1. **BEGINNING** at the Northeast corner of Section 1, Township 2 South, Range 2 East, San Bernardino Meridian, also being a point on the north line of Riverside County;
2. Thence South along said Range line to the Northeast corner of Section 36, T2S, R2E;
3. Thence West along the North line of said Section 36 to the North one-quarter corner thereof;
4. Thence South along the North-South center section line of said Section 36 to the Center section corner thereof;
5. Thence East along the East-West center section line of said Section 36 to the East one-quarter corner thereof;
6. Thence South along the East line of said Section 36 to the Northeast corner of Section 1, T3S, R2E;
7. Thence West along the North line of said Section 1 to the Northwest corner thereof;
8. Thence South along the West line of said Section 1 to the Northwest corner of Section 12, T3S, R2E;
9. Thence East along the North line of said Section 12 to the Northeast corner thereof;
10. Thence South along the East line of said Section 12 to the Southeast corner thereof;
11. Thence West along the South line of said Section 12 to the Northwest corner of Section 13, T3S, R2E;
12. Thence South along the West line of said Section 13 to the Southwest corner thereof;
13. Thence East along the South line of said Section 13 to the Southeast corner thereof;
14. Thence South along said Range line to the Southwest corner of Section 18, T4S, R3E;
15. Thence East along Section lines to the Northeast corner of Section 20, T4S, R3E;
16. Thence South along the East line of said Section 20 to the Southeast corner thereof;
17. Thence West along the South line of said Section 20 to the Northwest corner of Section 29, T4S, R3E;
18. Thence South along the West line of said Section 29 to the Southwest corner thereof;
19. Thence East along the South line of said Section 29 to the Northeast corner of Section 32, T4S, R3E;
20. Thence South along the East line of said Section 32 to the Southeast corner thereof;
21. Thence West along the South line of said Section 32 to the Northeast corner of Section 5, T5S, R3E;
22. Thence South along Section lines to the Northwest corner of Section 16, T5S, R3E;
23. Thence East along the North line of said Section 16 to the Northeast corner thereof;
24. Thence South along the East line of said Section 16 to the Northwest corner of Section 22, T5S, R3E;
25. Thence East along the North line of said Section 22 to the Northeast corner thereof;
26. Thence South along the East line of said Section 22 to the Northwest corner of Section 26, T5S, R3E;
27. Thence East along the North line of said Section 26 to the Northeast corner thereof;
28. Thence South along Section lines to the Northwest corner of Section 1, T6S, R3E;
29. Thence East along the North line of said Section 1 to the Northeast corner thereof, being a point of intersection with the Palm Springs Unified School District boundary line defined by the West line of Section 31, T5S, R4E;
30. Thence Easterly and Southerly along the Palm Springs Unified School District boundary line to a point of intersection with the south Riverside County line;
31. Thence Easterly along the Riverside County line, also being the southernmost boundaries of the Palm Springs Unified School District, the Desert Sands Unified School District and the Coachella Valley Unified School District, to a point of intersection with the easternmost boundary line of the Coachella Valley Unified School District;
32. Thence Northerly, along the easternmost boundary line of the Coachella Valley Unified School District to a point of intersection with the north Riverside County line;
33. Thence Westerly along the north Riverside County line to the **Point of Beginning**.

The boundary of the Palm Springs Desert resorts Communities tourism Improvement District excludes the incorporated city limits for the City of Palm Desert and the City of Coachella.