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2
3 ORDINANCE NO. 883
4

5 AN ORDINANCE OF THE COUNTY OF RIVERSIDE ESTABLISHING THE PALM SPRINGS
6 DESERT RESORT COMMUNITIES TOURISM BUSINESS IMPROVEMENT DISTRICT AND
7 LEVYING ANNUAL ASSESSMENTS THEREIN

8 The Board of Supervisors of the County of Riverside ordains as follows:

9 Section 1. FINDINGS.

10 a. The California Legislature adopted the Parking and Business Improvement
11 Area Law of 1989 (California Streets & Highways Code section 36500 et seq.) (the "Act") to authorize
12 cities and counties to levy assessments on businesses in order to promote economic revitalization and
13 tourism, to create jobs, attract new businesses and prevent erosion of business districts. Certain lodging
14 businesses within the desert communities of the Coachella Valley have requested that the Board of
15 Supervisors establish a business improvement district to promote tourism within the desert communities
16 and to fund programs that benefit local hotel and motel businesses.

17
18 b. The Board of Supervisors finds that establishing a business improvement
19 district to be commonly known as the Palm Springs Desert Resort Communities Tourism Business
20 Improvement District ("Tourism BID") to promote tourism within the desert communities and to fund
21 related programs will benefit the hotel and motel businesses within the desert communities. The hotel and
22 motel businesses and property within the Tourism BID will be benefited by the activities to be funded by
23 the assessments proposed to be levied. As businesses that benefit from tourist visits, hotels and motels may
24 properly be assessed to promote tourism.

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26 c. The cities of Cathedral City, Desert Hot Springs, Indian Wells, Indio, La
27 Quinta, Palm Springs, and Rancho Mirage have granted consent to the County of Riverside to include their
28 cities within the proposed boundaries of the Tourism BID.

FORM APPROVED COUNTY COUNSEL
BY: *Minh C. Tran* 11/10/08
DATE
BY: MINH C. TRAN

1 d. On September 30, 2008 the Board of Supervisors adopted Resolution
2 Number 2008-442 entitled "A Resolution of the Board of Supervisors of the County of Riverside Declaring
3 Its Intention to Establish the Palm Springs Desert Resort Communities Tourism Business Improvement
4 District, Declaring Its Intention to Levy an Assessment for the Fiscal Year 2008-2009 on Certain Hotels
5 and Motels Located Within the Proposed District, and Setting the Time and Place of a Public Meeting and
6 Public Hearing and Giving Notice of Same" (the "Resolution of Intent").
7

8 e. At 9:00 a.m. on October 28, 2008, in the Board Chambers on the first floor of
9 the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a
10 public meeting concerning the proposed establishment of the Tourism BID and the proposed levy of annual
11 assessments. At 9:30 a.m. on November 18, 2008, in the Board Chambers on the first floor of the County
12 Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public hearing
13 concerning the proposed establishment of the Tourism BID and the proposed levy of annual assessments.
14 At the public meeting and the public hearing the Board of Supervisors heard the testimony of all interested
15 persons for or against the establishment of the Tourism BID, the extent of the boundaries of the Tourism
16 BID, the furnishing of specific types of activities, and the authorization to levy annual assessments. At the
17 public hearing, the Board of Supervisors also heard, considered, and overruled all protests against the
18 establishment of the Tourism BID, the extent of the proposed boundary area of the Tourism BID, and the
19 furnishing of proposed activities within the Tourism BID. At the conclusion of the public hearing the
20 Board of Supervisors determined that no majority protest existed.
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23 Section 2. PURPOSE. The purpose of this ordinance to establish the Palm Springs
24 Desert Resort Communities Tourism Business Improvement District to promote tourism and to provide for
25 the levying of annual assessments within the boundaries of the Tourism BID to fund activities related to
26 tourism.

27 Section 3. AUTHORITY. This ordinance is adopted pursuant to California Streets
28 and Highways Code section 36527 and the Parking and Business Improvement Area Law of 1989

1 (California Streets and Highways Code section 36500 et seq.).

2 Section 4. EXEMPTIONS. Only hotels and motels that are located within the
3 boundaries of the Tourism BID and have fifty or more sleeping rooms are assessable businesses under this
4 ordinance. Newly opened hotels and motels that have fifty (50) or more sleeping rooms and are located
5 within the boundaries of the Tourism BID shall not be exempt from the levy of assessment pursuant to
6 section 36531 of the Act. All other businesses within the boundaries of the Tourism BID are exempt from
7 assessment under this ordinance.
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9 Section 5. DEFINITIONS. As used in this ordinance, the following terms shall have
10 the following meanings:

11 a. Act. “Act” shall mean the Parking and Business Improvement Area Law of
12 1989 (California Streets & Highways Code section 36500 et seq.) as it may be amended from time to time.

13 b. Activities. “Activities” shall mean those activities proposed to be funded
14 by and through the annual levy of assessments on Assessable Hotels and Assessable Motels within the
15 Tourism BID identified in the Resolution of Intent and in the annual report prepared by the Advisory Board
16 and adopted by the Board of Supervisors. “Activities” include (without limitation) the following:
17 marketing, advertising, and public relations; brochure development and distribution; promotion of public
18 events which benefit businesses within the boundaries of the Tourism BID and which take place on or in
19 public places within the boundaries of the Tourism BID; activities which benefit businesses located and
20 operating within the boundaries of the Tourism BID, including but not limited to, downtown shopping and
21 promotional programs; and any activity permitted under the Act that is included as a cost in an annual
22 report approved by the Board of Supervisors.
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24 c. Advisory Board. “Advisory Board” means the Hospitality Industry and
25 Business Council of the Palm Springs Desert Resorts Convention and Visitor’s Authority which will serve
26 as the Advisory Board described in section 36530 of the Act.
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1 d. Assessable Hotel. An “Assessable Hotel” is a hotel that is located within
2 the boundaries of the Tourism BID and has fifty or more sleeping rooms, including, but not limited to,
3 newly opened hotels that have fifty (50) or more sleeping rooms and are located within the boundaries of
4 the Tourism BID.

5 e. Assessable Motel. An “Assessable Motel” is a motel that is located within
6 the boundaries of the Tourism BID and has fifty or more sleeping rooms, including, but not limited to,
7 newly opened motels that have fifty (50) or more sleeping rooms and are located within the boundaries of
8 the Tourism BID.

9 f. Assessment. “Assessment” means the levy imposed by this ordinance to
10 promote tourism within the desert communities and to fund related programs.

11 g. Gross Rental Charges. Gross Rental Charges shall equal the total dollar
12 amount charged to guests for overnight room rentals, but shall not include incidental room charges such as
13 room service, video rental, or similar charges. Gross Rental Charges are equal to the total consideration
14 charged for room rental valued in U. S. dollars, whether or not received and whether received in money or
15 other consideration such as goods, labor, property or otherwise.

16 h. Hotel. “Hotel” means any structure, or any portion of any structure, which is
17 occupied or intended or designated for occupancy by transients for dwelling, lodging, or sleeping purposes,
18 including, but not limited to, any hotel, inn, bed and breakfast, tourist home or house, motel, studio hotel,
19 bachelor hotel, lodging-house, or other similar structure or portion thereof.

20 i. Motel. “Motel” means any structure, or any portion of any structure, which is
21 occupied or intended or designated for occupancy by transients for dwelling, lodging, or sleeping purposes,
22 including, but not limited to, any hotel, inn, bed and breakfast, tourist home or house, motel, studio hotel,
23 bachelor hotel, lodging-house, or other similar structure or portion thereof.

24 j. Operator. “Operator” means the person who is the proprietor of the hotel or
25 motel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or other
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1 capacity. Where the operator performs his functions through a managing agent of any type or character
2 other than an employee, the managing agent shall also be deemed to be an operator for purposes of this
3 ordinance and shall have the same duties and liabilities as his principal. Compliance with the provisions of
4 this ordinance by either the principal or the managing agent shall, however, be considered to be compliance
5 by both.

6
7 k. Tourism BID. "Tourism BID" means the Palm Springs Desert Resort
8 Communities Tourism Business Improvement District established by this ordinance.

9 Section 6. ESTABLISHMENT OF TOURISM BID. The Palm Springs Desert
10 Resort Communities Tourism Business Improvement District ("Tourism BID") is hereby established as a
11 parking and business improvement area under the Act. The boundaries of the Tourism BID are
12 coterminous with the operational boundaries of the Palm Springs Desert Resorts Convention and Visitor's
13 Authority, excluding that area within the incorporated city limits of the City of Palm Desert, but including
14 unincorporated Coachella Valley and the cities of Cathedral City, Desert Hot Springs, Indian Wells, Indio,
15 La Quinta, Palm Springs, and Rancho Mirage. A map and legal description of the boundaries are attached
16 hereto as Exhibit 1 and incorporated herein by reference. The Tourism BID and all Assessable Hotels and
17 Assessable Motels within the boundaries of the Tourism BID shall be subject to the Act and all subsequent
18 amendments thereto.
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21 a. Advisory Board. Pursuant to the Act, the Board of Supervisors has appointed the
22 Hospitality Industry and Business Council of the Palm Springs Desert Resort Communities Convention and
23 Visitors Authority to serve as the advisory board for the Tourism BID to make recommendations
24 concerning its operations, the expenditure of revenues derived from the levy of Assessments, and to incur
25 obligations against the funds derived from the Assessment in strict accordance with policy guidelines
26 established by the Board of Supervisors. In addition, the Advisory Board shall have such other powers and
27 be authorized to perform such other duties as the Board of Supervisors may from time to time determine
28 and direct. The Advisory Board shall annually present a report to the Board of Supervisors for approval

1 which shall include a program of activities intended to be implemented within the Tourism BID together
2 with an estimate of related expenditures. The Advisory Board shall also submit an annual report to the
3 Board of Supervisors outlining the previous years' revenues and how those revenues were expended.

4 Section 7. LEVY OF ANNUAL ASSESSMENTS. Except where funds are
5 otherwise available, an assessment shall be levied annually on all Assessable Hotels and Assessable Motels
6 located within the boundaries of the Tourism BID to pay for all Activities within the Tourism BID. The
7 revenue from the levy of Assessments within the Tourism BID shall not be used to provide improvements
8 or activities outside the area of the Tourism BID or for any purpose other than the purposes specified in the
9 Resolution of Intent.

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11 a. Method and Basis of Levying Annual Assessments. The Assessments levied
12 on Assessable Hotels and Assessable Motels pursuant to this ordinance are levied on the basis of the
13 estimated benefit to the Assessable Hotels and Assessable Motels derived from the Activities to be funded
14 through the Tourism BID.
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16 An annual assessment shall be levied on Assessable Hotels and Assessable Motels in the
17 amount of two percent (2%) of the Gross Rental Charges for overnight room stays.

18 Each Operator of an Assessable Hotel or Assessable Motel shall collect and pay the
19 Assessment as provided in this ordinance. If the Operator of an Assessable Hotel or Assessable Motel
20 elects to pass on some or all of the Assessment to its guests, the Operator shall separately identify or
21 itemize the Assessment on any document provided to the guest. The amount of the Assessment shall be
22 separately stated from the amount of the rent charged, and each guest shall receive a receipt for payment
23 from the Operator.
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25 For each fiscal year in which the Assessment is to be levied, the Advisory Board shall cause
26 to be prepared a report. The report shall be filed with the Clerk of the Board and shall identify the
27 Activities to be funded during that fiscal year and contain an estimate of the cost of providing those
28 Activities. The report shall also contain all other items required to be included in an annual report under

1 the Act. The Board of Supervisors may approve the report as filed by the Advisory Board or modify any
2 particular contained in the report and approve it as modified.

3 After the approval of the report, the Board of Supervisors shall adopt a resolution of
4 intention to levy an annual assessment for that fiscal year, hold a public hearing, and thereafter adopt a
5 resolution confirming the report and levying the annual assessment in accordance with the specific
6 procedures set forth in the Act.

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8 The annual report for Fiscal Year 2008-2009 having been adopted and confirmed, the Board
9 of Supervisors hereby levies the Assessment for Fiscal Year 2008-2009 and authorizes the levy of future
10 annual Assessments upon the adoption of an appropriate resolution by the Board of Supervisors pursuant to
11 the procedures outlined above.

12 b. Time and Manner of Collection of Annual Assessments. Annual
13 Assessments shall be collected by the County Treasurer-Tax Collector in four (4) installments. Each
14 Operator of an Assessable Hotel or an Assessable Motel shall, before the last day of the month following
15 each quarter, make a report to the County Treasurer-Tax Collector on return forms provided by the County
16 reflecting the dollar amount of Assessment due for that quarter. The full amount of the Assessment shall be
17 remitted to the County Treasurer-Tax Collector at the time that the return form is filed. The return form
18 and payment shall become delinquent on the last day of the month following the close of each calendar
19 quarter. Nevertheless, returns and payments from the Operator of any Assessable Hotel or Assessable
20 Motel shall be due immediately upon cessation of business for any reason.

21
22 The County Treasurer-Tax Collector may establish shorter reporting or remitting periods if
23 shorter periods are deemed reasonably necessary to insure proper collection of the Assessment from any
24 Operator. In addition, the County Treasurer-Tax Collector may require Operators to provide such
25 additional information in any return as is deemed reasonably necessary to enable proper collection of the
26 Assessment.
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1 Each return shall contain a declaration under penalty of perjury, executed by the Operator or
2 its authorized agent, that, to the best of the declarant's knowledge, the statements in the return are true,
3 correct, and complete.

4 Any Operator of an Assessable Hotel or Assessable Motel who fails to remit any
5 Assessment imposed by this ordinance within the time required, shall pay a penalty of ten percent (10%) of
6 the amount of the Assessment in addition to the amount of the original Assessment. Any Operator of an
7 Assessable Hotel or Assessable Motel who fails to remit any delinquent remittance on or before the
8 fifteenth day of the month following the date of the first penalty shall pay a second delinquency penalty of
9 ten percent (10%) of the amount of the Assessment in addition to the sum of the original Assessment and
10 the ten percent (10%) penalty first imposed.

11 If the County Treasurer-Tax Collector determines that the nonpayment of any remittance
12 due under this ordinance is due to fraud, a penalty of twenty-five percent (25%) of the amount of the
13 corrected Assessment (as determined by the County Treasurer Tax Collector) shall be added thereto in
14 addition to the penalties stated above.

15 In addition to the penalties imposed, any Operator of an Assessable Hotel or Assessable
16 Motel who fails to pay any Assessment imposed by this ordinance shall pay interest at the rate of one
17 percent (1%) per month, or fraction thereof, on the amount of Assessment, exclusive of penalties, from the
18 date on which the remittance first became delinquent until paid. Every penalty imposed and such interest
19 as accrued under the provisions of this section shall become a part of the Assessment required to be paid.
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21 The County may charge an administrative fee for the collection and processing of the
22 Assessments in order to recover its reasonable costs for this service.
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24 The County Treasurer-Tax Collector shall establish an interest bearing trust fund for deposit
25 of all Assessments collected pursuant to this ordinance. On a quarterly basis, the County Treasurer-Tax
26 Collector may deduct monies from the trust fund to reimburse itself and other County departments for
27 actual costs associated with the administration of the Tourism BID and this ordinance. On a quarterly
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1 basis, after first deducting such administrative costs, the County-Treasurer-Tax Collector shall transfer all
2 remaining Assessment revenues and interest in the trust account to the Palm Springs Desert Resorts
3 Convention and Visitor's Authority, for benefit of the Advisory Board. Transferred Assessment revenues
4 shall only be expended by the Advisory Board for expenditures authorized by the annual report approved
5 and confirmed by the Board of Supervisors.

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7 c. Time and Manner of Appeal. If any Operator of an Assessable Hotel or
8 Assessable Motel refuses or fails to file a timely return or to remit timely payment of an Assessment or any
9 portion thereof, the County Treasurer-Tax Collector shall proceed in such manner as he or she deems best
10 to obtain facts and information on which to base his or her estimate of the Assessment due. If the County
11 Treasurer-Tax Collector determines that any Operator of an Assessable Hotel or Assessable Motel has not
12 properly calculated the Assessment, properly filed a return, or properly paid the Assessment as required by
13 this ordinance, the County Treasurer-Tax Collector shall procure such facts and information as he or she is
14 able to obtain and shall estimate and determine the Assessment due from that Operator including any
15 authorized interest and penalties.

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17 Upon such a determination, the County Treasurer-Tax Collector shall give notice of the
18 Assessment amount by serving it personally or by depositing it in the United States mail, postage prepaid,
19 addressed to the Operator at his last known address. Such Operator may within ten (10) calendar days after
20 serving or mailing of such notice make application in writing to the County Treasurer-Tax Collector for a
21 hearing on the Assessment.

22
23 If application by the Operator for a hearing is not made within the time prescribed, the
24 Assessment, interest and penalties, if any, determined by the County Treasurer-Tax Collector shall become
25 final and conclusive and immediately due and payable. If application for a hearing is made, the County
26 Treasurer-Tax Collector shall give not less than five (5) calendar days written notice to the Operator to
27 show cause at a time and place fixed in said notice why the Assessment amount, interests, and penalties, if
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1 any, determined by the County Treasurer-Tax Collector should not be fixed as the amount to be assessed
2 against the Operator.

3 At the hearing, the Operator may appear and offer evidence why the specified Assessment,
4 interest, and penalties should not be levied. After the hearing, the County Treasurer-Tax Collector shall
5 determine the amount of the Assessment, interest, and penalties, if any, that the Operator is required to
6 remit pursuant to this ordinance. The County Treasurer-Tax Collector shall give notice of his or her
7 decision by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to
8 the Operator at his last known address. The amount of the Assessment, interest, and penalties, as reflected
9 in the County Treasurer-Tax Collector's written decision shall be payable fifteen (15) calendar days after
10 personal service or mailing of the decision unless the Operator applies for an appeal to the Board of
11 Supervisors.

12 Any Operator aggrieved by any decision of the County Treasurer-Tax Collector with respect
13 to the levy of an Assessment, interest, or penalties under this ordinance may appeal to the Board of
14 Supervisors by filing a notice of appeal with the Clerk of the Board within fifteen (15) calendar days of the
15 serving or mailing of the County Treasurer-Tax Collector's written decision reflecting the Assessment,
16 interest, and penalties due under this ordinance. The Board of Supervisors shall fix a time and place for
17 hearing such appeal, and the Clerk of the Board shall give notice in writing to such Operator at his last
18 known address.

19 At the hearing, the Operator may appear and offer evidence as to the amount of Assessment,
20 interest, and penalties, if any, that should be levied against the Operator. After the hearing, the Board of
21 Supervisors shall determine the amount of the Assessment, interest, and penalties, if any, that the Operator
22 is required to remit pursuant to this ordinance. The decision of the Board of Supervisors shall be final and
23 conclusive. The Board of Supervisors shall give notice of its decision by serving it personally or by
24 depositing it in the United States mail, postage prepaid, addressed to the Operator at his last known address.
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1 Any amount found by the Board of Supervisors to be due shall be immediately due and payable upon
2 mailing or personal serving a copy of the decision to the Operator.

3 d. Operator's Duty to Maintain Records. It shall be the duty of every Operator
4 of an Assessable Hotel or Assessable Motel to keep and preserve for a period of three years all records as
5 may be necessary to determine the amount of Assessments levied for which the Operator may be or may
6 have been liable for payment to the County. The records deemed necessary for this determination shall
7 include, but not be limited to, general ledgers, income tax returns, a chronological cash journal, or other
8 comparable means of summarizing Operator's monthly or quarterly revenue, supported by receipts. These
9 records shall be available during regular business hours for inspection by the County Treasurer-Tax
10 Collector or County Auditor-Controller upon twenty-four hours prior written notice.

11 e. Refunds. Whenever the amount of any Assessment levied, interest, or
12 penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received
13 by the County under this ordinance, it may be refunded as set forth here-in provided a claim in writing,
14 stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the
15 County Treasurer-Tax Collector within three (3) years of the date of the payment.

16 In the event that the Operator of an Assessable Hotel or Assessable Motel elects to pass on
17 some or all of the Assessment to its guests, the Operator may file a claim for a refund against the
18 assessment levied and remitted to the County, the amount overpaid, paid more than once or erroneously or
19 illegally collected or received when it is properly established that the guest who paid the Assessment was
20 incorrectly charged. However, a refund shall not be allowed to the Operator if the amount of the
21 Assessment has been refunded by the County to the guest who paid the Assessment.

22 A guest of an Assessable Hotel or Assessable Motel may obtain a refund of an Assessment
23 overpaid or paid more than once or erroneously or illegally collected or received by the County by filing a
24 claim for a refund as described above, but only when the Assessment was paid directly to the County
25 Treasurer-Tax Collector or when the guest, having paid the Assessment to the Operator, satisfactorily

1 establishes that he or she has been unable to obtain a refund from the Operator who elected to pass on some
2 or all of the Assessment to the guest.

3 No refund shall be paid unless the claimant establishes his or her right thereto by written
4 records and argument showing entitlement thereto.

5 f. Collections and Remedies. Any Assessment required to be paid by any
6 Operator of an Assessable Hotel or Assessable Motel pursuant to this ordinance shall be deemed a debt
7 owed by the Operator to the County. If the Operator of an Assessable Hotel or Assessable Motel elects to
8 pass on some or all of the Assessment to its guests, the amount collected by the Operator that has not been
9 paid to the County shall be deemed a debt owed by the Operator to the County. Any person owing money
10 to the County under this ordinance shall be liable in an action brought in the name of the County for the
11 recovery of such amount. In addition, the County may pursue any other remedies available at law or in
12 equity. The remedies for collection and enforcement set forth in this ordinance shall be cumulative and not
13 exclusive.
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16 Section 8. SEVERABILITY. If any provision, clause, sentence or paragraph of this
17 ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity
18 shall not affect the other provisions of this ordinance which can be given effect without the invalid
19 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
20 severable.
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Section 9. EFFECTIVE DATE. This ordinance shall take effect thirty (30) calendar days after its adoption. The Chairman of the Board of Supervisors shall sign this ordinance and the Clerk of the Board of Supervisors shall attest to the Chairman's signature and then cause the same to be published along with the names of the Board members voting for and against the ordinance within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated in the area of the Tourism BID.

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman

ATTEST:

CLERK OF THE BOARD:

By: _____
Deputy

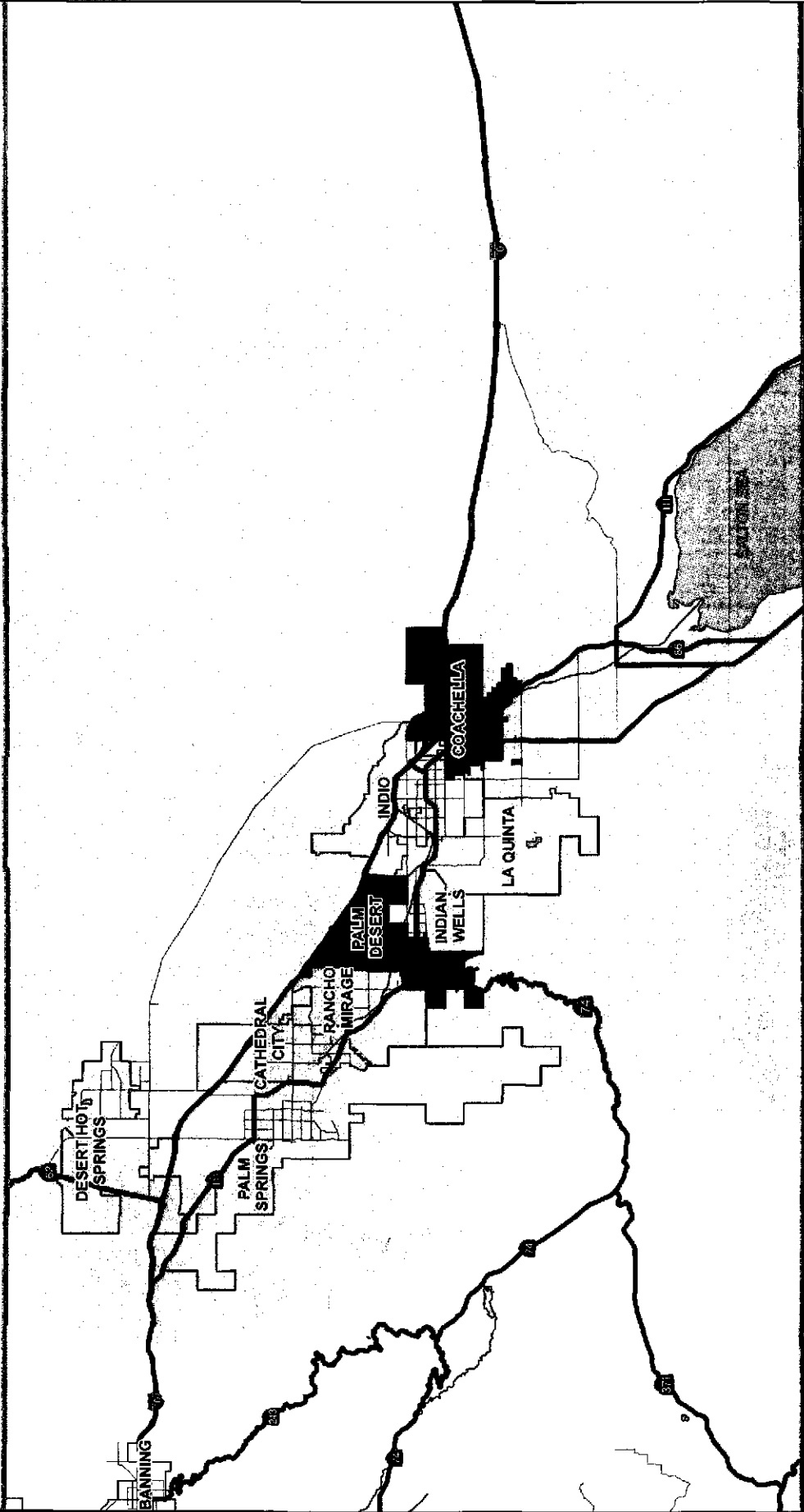
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EXHIBIT 1

MAP AND LEGAL DESCRIPTION OF THE BOUNDARIES OF
THE PALM SPRINGS DESERT RESORT COMMUNITIES TOURISM
BUSINESS IMPROVEMENT DISTRICT

The Palm Springs Desert Resort Communities Tourism Business Improvement District



Participating Cities/Unincorporated
 Non-Participating Cities (Palm Desert & Coachella)
 Cities

Highways
 Major Roads
 County Line

Waterbodies

N

0 2.5 5 10
 Miles

LOCAL MAP (MAP NOT TO SCALE)

Date: September 18, 2008
 Source: Riverside County TLMA/GIS
 Filename: U:\projects\charles\map_projects\coachella_bv_map.mxd

**The Palm Springs Desert Resort 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.

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

FROM: Executive Office & Treasurer-Tax Collector

SUBMITTAL DATE:
November 10, 2008

SUBJECT: Public hearing regarding Introduction of Ordinance 883, an ordinance establishing the Palm Springs Desert Communities Tourism Business Improvement District (Tourism BID); and Resolution 2008-482 confirming the Tourism BID Advisory Board Report as originally presented.

RECOMMENDED MOTION: That the Board of Supervisors
1) Hold the public hearing and at the conclusion of the public hearing overrule all protests to the establishment of the Tourism BID and determine that a majority protest does not exist;
2) Introduce Ordinance 883, an ordinance establishing the Tourism BID;
3) Adopt Resolution 2008-482 confirming the Tourism BID Advisory Board Report as originally presented; and
4) Direct the Auditor Controller to establish an interest bearing trust fund for the deposit of all Tourism BID assessments per Ordinance 883.

BACKGROUND: On September 30, 2008, (item #3.19) the County Board of Supervisors approved Resolution 2008-442 declaring its intent to establish the Tourism BID in the Coachella Valley.

(Continued)

Don Kent, Treasurer-Tax Collector

Dan Martinez, Deputy County Executive Officer

FINANCIAL DATA	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

SOURCE OF FUNDS: 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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Wilson, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended, and the ordinance is approved as introduced with waiver of the reading

Ayes: Buster, Wilson, and Ashley
Nays: None
Absent: Tavaglione and Stone
Date: November 18, 2008
xc: E.O., Treasurer-Tax-Collector, Auditor, COB

Nancy Romero
Clerk of the Board
By:
Deputy

FORM APPROVED COUNTY COUNSEL
BY:
MINH C. TRAN
DATE: 11/10/08
Departmental Concurrence

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

Form 11

SUBJECT: Public Hearing regarding Introduction of Ordinance 883, an ordinance establishing the Palm Springs Desert Communities Tourism Business Improvement District (Tourism BID); and Resolution 2008-482 confirming the Tourism BID Advisory Board Report as originally presented.

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On October 28, 2008, (item 3.8) the County Board of Supervisors held a public meeting to discuss the County's intent to form the Tourism BID. Three basic questions were raised during the public meeting. The questions were as follows:

1. Why is the BID limited only to hotels with 50 rooms or more?
2. Why are timeshare businesses, restaurants, and golf courses not subject to the Tourism BID assessment?
3. Will the membership mix of the Hospitality Industry and Business Council (HIBC) provide appropriate representation of the businesses being assessed under the Tourism BID?

Jeff Beckelman, Executive Director of the Conventions and Visitors Authority provided the attached memorandum (Attachment A) addressing the three basic questions raised during the public meeting.

Resolution 2008-482 confirms, adopts, and approves the Tourism BID Advisory Board's report for fiscal year 2008-2009 as original filed with the Clerk of the Board. This report identifies the activities, estimated costs of the activities, and the method and basis of levying of the assessments under the Tourism BID.

Due to the recognized potential benefits and overall interest shown in forming the Tourism BID in the Coachella Valley, it is recommended that the Board approve the staff recommendations in this report.