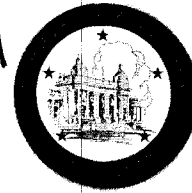


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

769



FROM: Economic Development Agency

SUBMITTAL DATE:
May 6, 2010

SUBJECT: Resolution No. 2010-163, confirming the report of the advisory board of the Palm Springs Desert Resort Communities Tourism Business Improvement District and levying an assessment for fiscal year 2010-2011 and public hearing regarding Introduction of Ordinance No. 883.2, an ordinance amending Ordinance No. 883, that established the Palm Springs Desert Resort Communities Tourism Business Improvement District (Tourism BID), to include the boundaries of Palm Desert and levy an annual assessment for fiscal year 2010-2011

RECOMMENDED MOTION: That the Board of Supervisors :

1. Adopt Resolution No. 2010-163, confirming the report of the Advisory Board of the Tourism BID and levying an assessment for fiscal year 2010-2011;
2. Hold the public hearing and at the conclusion of the public hearing overrule all protests to the proposed amendment to the BID Ordinance (Ordinance No. 883.2), the proposed annual assessment levy for fiscal year 2010-2011, and the furnishing of proposed types of activities and determine that a majority protest does not exist; and
3. Upon the close of the public hearing, introduce Ordinance No. 883.2, an amendment to Ordinance No. 883 establishing the Tourism BID.

BACKGROUND: (Commences on Page 2)

Robert Field
Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

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

BY: *Jennifer L. Sargent*
Jennifer L. Sargent

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL

BY: *DALE A. GARDNER*
DALE A. GARDNER
Departmental Counsel

DATE

Don Kent, Treasurer-Tax Collector
Office of the Treasurer-Tax Collector

☒ Policy

☐ Consent

Dep't Recomm.:

☒ Policy

☐ Consent

Per Exec. Ofc.:

Prev. Agn. Ref.: 3.48 of 5/4/10; 3.19 of 3/16/10

District: 4, 5

Agenda Number:

9.10

Economic Development Agency

Resolution No. 2010-163, confirming the report of the advisory board of the Palm Springs Desert Resort Communities Tourism Business Improvement District and levying an assessment for fiscal year 2010-2011 and public hearing regarding Introduction of Ordinance No. 883.2, an ordinance amending Ordinance No. 883, that established the Palm Springs Desert Resort Communities Tourism Business Improvement District (Tourism BID), to include the boundaries of Palm Desert and levy an annual assessment for fiscal year 2010-2011

May 6, 2010

Page 2

BACKGROUND:

On November 25, 2008, the County Board of Supervisors (Board) adopted Ordinance No. 883 establishing the Tourism BID. On March 16, 2010 (item 3.19), the Board approved Resolution No. 2010-090 declaring its intent to modify the boundaries of the Tourism BID to include Palm Desert and levy and collect assessments for fiscal year 2010-2011 on assessable hotels and motels located within the Tourism BID in the Coachella Valley. On May 4, 2010 (item 3.48), the Board held a public meeting to allow for public comment and protest regarding the County's intent to levy an annual assessment within the Tourism BID for fiscal year 2010-2011 and to amend the Tourism BID Ordinance.

Resolution No. 2010-163 confirms, adopts, and approves the Tourism BID Advisory Board's report for fiscal year 2010-2011, as originally filed with the Clerk of the Board. This report identifies the activities of the Tourism BID, the estimated costs of the activities, and the method and bases of levying of the assessment under the Tourism BID.

The level of assessment being considered for the fiscal year 2010-2011 Tourism BID will remain at 2% of the sale of overnight room stays and will apply only to hotels and motels with 50 or more sleeping rooms. The Tourism BID is being modified to include the boundaries of the City of Palm Desert and there are 77 hotels/motels within the proposed Tourism BID boundaries that fall in this category. The total annual revenue projected in fiscal year 2010-2011 is approximately \$4.8 million. The revenue collected will be used to fund the following activities to promote tourism for the Tourism BID jurisdictions in the Coachella Valley:

1. Marketing;
2. Brochure development and distribution;
3. Promotion of public events that benefit businesses in the area and take place on or in public places within the area; and
4. Activities that benefit businesses located and operating in the area, including but not limited to downtown shopping and promotional programs.

Ordinance 883.2 reflects the following changes:

1. Modifies the boundaries of the Tourism BID to include the City of Palm Desert within the boundaries of the district;
2. Clarifies the due date and delinquency date of collection of annual assessments, which shall be collected on or before the last day of the month following each quarter;
3. Clarifies the County's ability to recover costs for the collection and processing of the assessment to include courts costs and attorney's fees; and
4. Clarifies the time and manner of appeal to specify that class-action or representative claims for hearing are not authorized by this Ordinance.

RESOLUTION NO. 2010 - 163

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
CONFIRMING THE REPORT OF THE ADVISORY BOARD OF THE PALM SPRINGS DESERT
RESORT COMMUNITIES TOURISM BUSINESS IMPROVEMENT DISTRICT AND LEVYING AN
ASSESSMENT FOR FISCAL YEAR 2010-2011

WHEREAS, the California Legislature adopted the Parking and Business Improvement Area Law of 1989 (Streets & Highways Code § 36500 et, seq.) (the "Act") to authorize 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") established a business improvement district, 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 the desert communities; and

WHEREAS, the territory included in the Tourism BID is coterminous with the operational boundaries of the Palm Springs Desert Resort Communities Convention and Visitors Authority ("CVA"), including unincorporated Coachella Valley and the cities of Cathedral City, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Springs, Palm Desert, and Rancho Mirage, which cities have granted the County of Riverside authority to establish the Tourism BID within their jurisdictions; and

WHEREAS, lodging businesses within the boundaries of the Tourism BID requested that the Board of Supervisors establish the Tourism BID; and it is the opinion of the Board of Supervisors that the hotel and motel businesses located within the Tourism BID have benefited and will continue to benefit from the activities of the Tourism BID; and

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* 5/14/10
DATE: 5/14/10
S. A. GARDNER

1 WHEREAS, by adopting Resolution Number 2008-330, on July 1, 2008, the Board of Supervisors
2 appointed the Hospitality Industry and Business Council, Inc. (formerly known as the Hospitality Industry
3 and Business Council of CVA) to serve as the Advisory Board for the Tourism BID; and

4 WHEREAS, the Advisory Board filed a report with the Clerk of the Board identifying the
5 activities to be provided for fiscal year 2010-2011 within the Tourism BID, the estimated costs of
6 providing those activities, and the method and basis of levying assessments on assessable businesses
7 within the boundaries of the Tourism BID; and

8
9 WHEREAS, the Board of Supervisors tentatively approved said report subject to any further
10 modification that might be necessary or desirable based upon future recommendations by staff and public
11 participation at the public hearing concerning the Tourism BID and the proposed annual levy; and

12 WHEREAS, a public meeting and a public hearing were held on May 4, 2010 and May 18, 2010
13 respectively concerning the annual report, the Tourism BID, the proposed activities to be undertaken, the
14 estimated cost of those activities, the method and basis of levying assessments, and the proposed annual
15 levy of assessments; and

16
17 WHEREAS, during the public meeting and public hearing the Board of Supervisors heard the
18 testimony of all interested persons for or against the Tourism BID, the furnishing of specific types of
19 activities, the estimated cost of those activities, the method and basis of levying assessments, and the
20 proposed annual levy of assessments for fiscal year 2010-2011; and

21
22 WHEREAS, at the public hearing, the Board of Supervisors also heard, considered, and overruled
23 all protests against the Tourism BID, the furnishing of specific types of activities, the estimated cost of
24 those activities, the method and basis of levying assessments, and the proposed annual levy of assessments
25 for fiscal year 2010-2011 and determined that a majority protest did not exist;

26 NOW, THEREFORE, the Board of Supervisors of the County of Riverside does hereby resolve,
27 find, determine and order as follows:
28

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

2 Section 2. Report of Advisory Board Confirmed. The Board of Supervisors hereby confirms,
3 adopts, and approves the report filed by the Advisory Board for fiscal year 2010-2011 as originally filed.
4 The Tourism Bid, the activities, estimated costs of the activities, the method and basis of levying of
5 assessments, and the proposed annual assessment levy identified and described in the report are approved.
6 An annual assessment shall be levied on Assessable Hotels and Assessable Motels in the amount of two
7 percent (2%) of the Gross Rental Charges for overnight room stays. For further details, reference is made
8 to the report on file with the Clerk of the Board and to the amended ordinance establishing the Tourism
9 BID. The adoption of this resolution shall constitute a levy of an assessment for fiscal year 2010-2011.
10

11 The County Treasurer-Tax Collector shall establish an interest bearing trust fund for deposit of all
12 assessments collected for fiscal year 2010-2011. On a quarterly basis, the County Treasurer-Tax Collector
13 may deduct monies from the trust fund to reimburse itself and other County departments for actual costs
14 associated with the administration of the Tourism BID. On a quarterly basis, after first deducting such
15 administrative costs, the County Treasurer-Tax Collector shall transfer all remaining assessment revenues
16 and interest in the trust account to CVA for expenditure pursuant to and in accordance with the annual
17 report. Transferred assessment revenues shall only be expended for expenditures authorized by the
18 ordinance establishing the Tourism BID and the annual report as confirmed by this resolution.
19

20 Section 3. Effective Date. This resolution shall take effect immediately upon its adoption.
21

22 PASSED AND ADOPTED this 18th day of May 2010.
23

24 ATTEST:
25

26
27 Clerk of the Board

26
27 Marion Ashley, Chairman
28 Board of Supervisors of the County of Riverside

1
2
3 ORDINANCE NO. 883.2

4
5 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
6 AMENDING ORDINANCE NO. 883 ESTABLISHING THE PALM SPRINGS DESERT RESORT
7 COMMUNITIES TOURISM BUSINESS IMPROVEMENT DISTRICT AND LEVYING AN ANNUAL
8 ASSESSMENT THEREIN
9

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

11 Section 1. Subsection b. of Section 1. of Ordinance No. 883 is repealed in its entirety.

12 Section 2. Existing subsections c., d., and e. of Section 1. of Ordinance No. 883 are
13 relettered subsections b., c., and d. respectively.

14 Section 3. Section b. of Section 1 of Ordinance No. 883 is amended to read as follows:

15 "b. On September 30, 2008 the Board of Supervisors adopted Resolution
16 Number 2008-442 entitled "A Resolution of the Board of Supervisors of the County of Riverside Declaring
17 Its Intention to Establish the Palm Springs Desert Resort Communities Tourism Business Improvement
18 District [the "Tourism BID"], Declaring Its Intention to Levy an Assessment for the Fiscal Year 2008-2009
19 on Certain Hotels and Motels Located Within the Proposed District, and Setting the Time and Place of a
20 Public Meeting and Public Hearing and Giving Notice of Same" (the "Resolution of Intent").
21

22 Section 4. A new subsection e. is added to Section 1. of Ordinance No. 883 to read as
23 follows:

24 "e. In February of 2010, the City of Palm Desert granted consent to the County
25 of Riverside to include the City of Palm Desert within the boundaries of the
26 Tourism BID."

27 Section 5. A new subsection f. is added to Section 1. of Ordinance No. 883 to read as
28 follows:

1 "f. On March 16, 2010, the Board of Supervisors adopted Resolution Number
2 2010-090 entitled "A Resolution of the Board of Supervisors of the County
3 of Riverside Declaring Its Intention to Modify the Boundaries of the Palm
4 Springs Desert Resort Communities Tourism Business Improvement District
5 to Include the City of Palm Desert Within the Boundaries of the District,
6 Declaring Its Intention to Levy an Annual Assessment for Fiscal Year 2010 -
7 2011 on Certain Hotels and Motels Located Within the Boundaries of the
8 District as Amended, and Setting the Time and Place of a Public Meeting and
9 Public Hearing and Giving Notice of Same."

10
11 Section 6. A new subsection g. is added to Section 1. of Ordinance No. 883 to read as
12 follows:

13 "g. At 9:00 a.m. on May 4, 2010, in the Board Chambers on the first floor of the
14 County Administrative Center at 4080 Lemon Street in Riverside, the Board
15 of Supervisors held a public meeting concerning the intended modification of
16 the Tourism BID boundaries and the intended levy of an annual assessment
17 for fiscal year 2010-2011. At 9:30 a.m. on May 18, 2010, in the Board
18 Chambers on the first floor of the County Administrative Center at 4080
19 Lemon Street in Riverside, the Board of Supervisors held a public hearing
20 concerning the intended modification of the Tourism BID boundaries to
21 include the City of Palm Desert within the Tourism BID and the intended
22 levy of the fiscal year 2010-2011 assessment. At the public meeting and the
23 public hearing, the Board of Supervisors heard the testimony of all interested
24 persons for or against the intended Tourism BID boundary modification, the
25 furnishing of specific types of activities, and the intended annual assessment
26
27
28

1 levy. At the public hearing, the Board of Supervisors also heard, considered,
2 and overruled all protests against the intended Tourism BID boundary
3 modification, the furnishing of proposed activities, and the intended annual
4 assessment levy. At the conclusion of the public hearing the Board of
5 Supervisors determined that no majority protest existed."

6
7 Section 7. A new subsection h. is added to Section 1. of Ordinance No. 883 to read as
8 follows:

9 "h. The Board of Supervisors finds that establishing a business improvement
10 district to be commonly known as the Palm Springs Desert Resort
11 Communities Tourism Business Improvement District to promote
12 tourism within the desert communities and to fund related programs
13 will benefit the hotel and motel businesses within the desert communities.
14 The hotel and motel businesses and property within the Tourism BID will be
15 benefited by the activities to be funded by the assessments proposed to be
16 levied. As businesses that benefit from tourist visits, hotels and motels may
17 properly be assessed to promote tourism."

18 Section 8. A new subsection i. is added to Section 1. of Ordinance No. 883 to read as
19 follows:

20 "i. In 2008, pursuant to the Act, the Board of Supervisors appointed the
21 Hospitality Industry and Business Council of the Palm Springs Desert Resort
22 Communities Convention and Visitors Authority to serve as the advisory
23 board for the Tourism BID. In 2010, the Hospitality Industry and Business
24 Council incorporated as "Hospitality Industry and Business Council, Inc."
25 Hospitality Industry and Business Council, Inc. continues to serve as the
26 advisory board of the Tourism BID. In addition, Hospitality Industry and
27 Business Council, Inc. continues to manage the Palm Springs Desert Resort
28 Communities Convention and Visitors Authority."

1 Section 9. Subsection c. of Section 5. of Ordinance 883 is amended to read as follows:

2 “c. Advisory Board. “Advisory Board” means Hospitality Industry and
3 Business Council, Inc. (formerly known as the Hospitality Industry and
4 Business Council of the Palm Springs Desert Resorts Convention and
5 Visitors Authority).”

6 Section 10. Section 6. of Ordinance 883 is amended to read as follows:

7 “Section 6. ESTABLISHMENT OF TOURISM BID. The Palm Springs
8 Desert Resort Communities Tourism Business Improvement District is hereby established as a
9 parking and business improvement area under the Act. The boundaries of the Tourism BID are
10 coterminous with the operational boundaries of the Palm Springs Desert Resorts Convention and
11 Visitors Authority, including unincorporated Coachella Valley and the cities of Cathedral City,
12 Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Springs, Palm Desert, and Rancho
13 Mirage. A map and legal description of the boundaries are attached hereto as Exhibit 1 and
14 incorporated herein by reference. The Tourism BID and all Assessable Hotels and Assessable
15 Motels within the boundaries of the Tourism BID shall be subject to the Act and all subsequent
16 amendments thereto.
17

18 a. Advisory Board. Pursuant to the Act, the Board of Supervisors has
19 appointed Hospitality Industry and Business Council, Inc. to serve as
20 the Advisory Board for the Tourism BID to make recommendations
21 concerning its operations and the expenditure of revenues derived
22 from the levy of Assessments. The Hospitality Industry and Business
23 Council, Inc. manages the Palm Springs Desert Resort Communities
24 Convention and Visitors Authority subject to the approval of the
25 Executive Committee of the Palm Springs Desert Resort
26
27
28

1 Communities Convention and Visitors Authority. In addition, the
2 Advisory Board shall have such other powers and be authorized to
3 perform such other duties as the Board of Supervisors may from time
4 to time determine and direct. The Advisory Board shall annually
5 present a report to the Board of Supervisors for approval which shall
6 include a program of activities intended to be implemented within the
7 Tourism BID together with an estimate of related expenditures. The
8 Advisory Board shall also submit an annual report to the Board of
9 Supervisors outlining the previous years' revenues and how those
10 revenues were expended."

11
12 Section 11. Subsection b. of Section 7. of Ordinance 883 is amended to read as follows:
13 "b. Time and Manner of Collection of Annual Assessments. Annual
14 Assessments shall be collected by the County Treasurer-Tax Collector in four
15 (4) installments. Each Operator of an Assessable Hotel or an Assessable
16 Motel shall, on or before the last day of the month following each quarter,
17 make a report to the County Treasurer-Tax Collector on return forms
18 provided by the County reflecting the dollar amount of Assessment due for
19 that quarter. The full amount of the Assessment shall be remitted to the
20 County Treasurer-Tax Collector at the time that the return form is filed. The
21 return form and payment of the full amount of the Assessment shall be due
22 no later than the last day of the month following the close of each calendar
23 quarter and shall become delinquent if not post-marked or received in the
24 County Treasurer-Tax Collector's office on or before the last day of the
25 month following the close of each calendar quarter. Nevertheless, returns
26
27
28

1 and payments from the Operator of any Assessable Hotel or Assessable
2 Motel shall be due immediately upon cessation of business for any reason.

3 The County Treasurer-Tax Collector may establish shorter reporting
4 or remitting periods if shorter periods are deemed reasonably necessary to
5 insure proper collection of the Assessment from any Operator. In addition,
6 the County Treasurer-Tax Collector may require Operators to provide such
7 additional information in any return as is deemed reasonably necessary to
8 enable proper collection of the Assessment.

9
10 Each return shall contain a declaration under penalty of perjury,
11 executed by the Operator or its authorized agent, that, to the best of the
12 declarant's knowledge, the statements in the return are true, correct, and
13 complete.

14
15 Any Operator of an Assessable Hotel or Assessable Motel who fails
16 to remit any Assessment imposed by this ordinance within the time required,
17 shall pay a penalty of ten percent (10%) of the amount of the Assessment in
18 addition to the amount of the original Assessment. Any Operator of an
19 Assessable Hotel or Assessable Motel who fails to remit any delinquent
20 remittance on or before the fifteenth day of the month following the date of
21 the first penalty shall pay a second delinquency penalty of ten percent (10%)
22 of the amount of the Assessment in addition to the sum of the original
23 Assessment and the ten percent (10%) penalty first imposed.

24
25 If the County Treasurer-Tax Collector determines that the
26 nonpayment of any remittance due under this ordinance is due to fraud, a
27 penalty of twenty-five percent (25%) of the amount of the corrected
28

1 Assessment (as determined by the County Treasurer Tax Collector) shall be
2 added thereto in addition to the penalties stated above.

3 In addition to the penalties imposed, any Operator of an Assessable
4 Hotel or Assessable Motel who fails to pay any Assessment imposed by this
5 ordinance shall pay interest at the rate of one percent (1%) per month, or
6 fraction thereof, on the amount of Assessment, exclusive of penalties, from
7 the date on which the remittance first became delinquent until paid. Every
8 penalty imposed and such interest as accrued under the provisions of this
9 section shall become a part of the Assessment required to be paid.
10

11 The County may charge an administrative fee for the collection and
12 processing of the Assessments in order to recover its reasonable costs for this
13 service and may also fully recover all other reasonable, direct and indirect
14 collection costs and enforcement costs, including but not limited to, court
15 costs and attorneys' fees.
16

17 The County Treasurer-Tax Collector shall establish an interest
18 bearing trust fund for deposit of all Assessments collected pursuant to this
19 ordinance. On a quarterly basis, the County Treasurer-Tax Collector may
20 deduct monies from the trust fund to reimburse itself and other County
21 departments for actual costs associated with the administration of the
22 Tourism BID and this ordinance and for all direct and indirect costs of
23 collection related activities and enforcement related activities, including but
24 not limited to, court costs and attorneys' fees. On a quarterly basis, after first
25 deducting such costs, the County-Treasurer-Tax Collector shall transfer all
26 remaining Assessment revenues and interest in the trust account to the Palm
27
28

1 Springs Desert Resorts Convention and Visitors Authority which shall only
2 expend the transferred Assessment revenues in accordance with the annual
3 report approved and confirmed by the Board of Supervisors.”

4 Section 12. Subsection c. of Section 7. of Ordinance 883 is amended to read as follows:

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

17
18
19 Upon such a determination, the County Treasurer-Tax Collector shall
20 give notice of the Assessment amount by serving it personally or by
21 depositing it in the United States mail, postage prepaid, addressed to the
22 Operator at his last known address. Such Operator may within ten (10)
23 calendar days after serving or mailing of such notice make application in
24 writing to the County Treasurer-Tax Collector for a hearing on the
25 Assessment. An Owner may only request a hearing related to the Assessment
26 being levied on his particular Assessable Hotel or Assessable Motel. Class-
27
28

1 action or representative claims for hearings are not authorized by this
2 ordinance.

3 If application by the Operator for a hearing is not made within the
4 time prescribed, the Assessment, interest and penalties, if any, determined by
5 the County Treasurer-Tax Collector shall become final and conclusive and
6 immediately due and payable. If application for a hearing is made, the
7 County Treasurer-Tax Collector shall give not less than five (5) calendar days
8 written notice to the Operator to show cause at a time and place fixed in said
9 notice why the Assessment amount, interests, and penalties, if any,
10 determined by the County Treasurer-Tax Collector should not be fixed as the
11 amount to be assessed against the Operator.
12

13 At the hearing, the Operator may appear and offer evidence why the
14 specified Assessment, interest, and penalties should not be levied. After the
15 hearing, the County Treasurer-Tax Collector shall determine the amount of
16 the Assessment, interest, and penalties, if any, that the Operator is required to
17 remit pursuant to this ordinance. The County Treasurer-Tax Collector shall
18 give notice of his or her decision by serving it personally or by depositing it
19 in the United States mail, postage prepaid, addressed to the Operator at his
20 last known address. The amount of the Assessment, interest, and penalties,
21 as reflected in the County Treasurer-Tax Collector's written decision shall be
22 payable fifteen (15) calendar days after personal service or mailing of the
23 decision unless the Operator applies for an appeal to the Board of
24 Supervisors. An Owner may only apply to the Board of Supervisors for an
25 appeal related to the Assessment being levied on his particular Assessable
26
27
28

1 Hotel or Assessable Motel. Class-action or representative requests for
2 appeals to the Board of Supervisors are not authorized by this Ordinance.

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

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

25
26 Section 13. Subsection c. of Section 7. of Ordinance 883 is amended to read as follows:

27 "c. Refunds. Whenever the amount of any Assessment levied, interest, or
28

1 penalty has been overpaid or paid more than once or has been erroneously or
2 illegally collected or received by the County under this ordinance, it may be
3 refunded or taken as a credit against Assessments collected as set forth here-
4 in provided a claim in writing, stating under penalty of perjury the specific
5 grounds upon which the claim is founded, is filed with the County Treasurer-
6 Tax Collector within three (3) years of the date of the payment.
7

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

18 A guest of an Assessable Hotel or Assessable Motel may obtain a
19 refund of an Assessment overpaid or paid more than once or erroneously or
20 illegally collected or received by the County by filing a claim for a refund as
21 described above, but only when the Assessment was paid directly to the
22 County Treasurer-Tax Collector or when the guest, having paid the
23 Assessment to the Operator, satisfactorily establishes that he or she has been
24 unable to obtain a refund from the Operator who elected to pass on some or
25 all of the Assessment to the guest.
26
27
28

1 No refund shall be paid nor credit against Assessments provided
2 unless the claimant establishes his or her right thereto by written records and
3 argument showing entitlement thereto."

4 Section 14. Exhibit 1 of Ordinance 883 is amended in its entirety by replacing the Exhibit
5 1 attached to Ordinance 883 with the Exhibit 1 attached to this amendment.

6 Section 15. This ordinance shall take effect thirty (30) days after its adoption.

7
8 BOARD OF SUPERVISORS OF THE COUNTY
9 OF RIVERSIDE, STATE OF CALIFORNIA

10 By: _____
11 Chairman

12 ATTEST:

13 CLERK OF THE BOARD:

14 By: _____
15 Deputy

16 (SEAL)
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

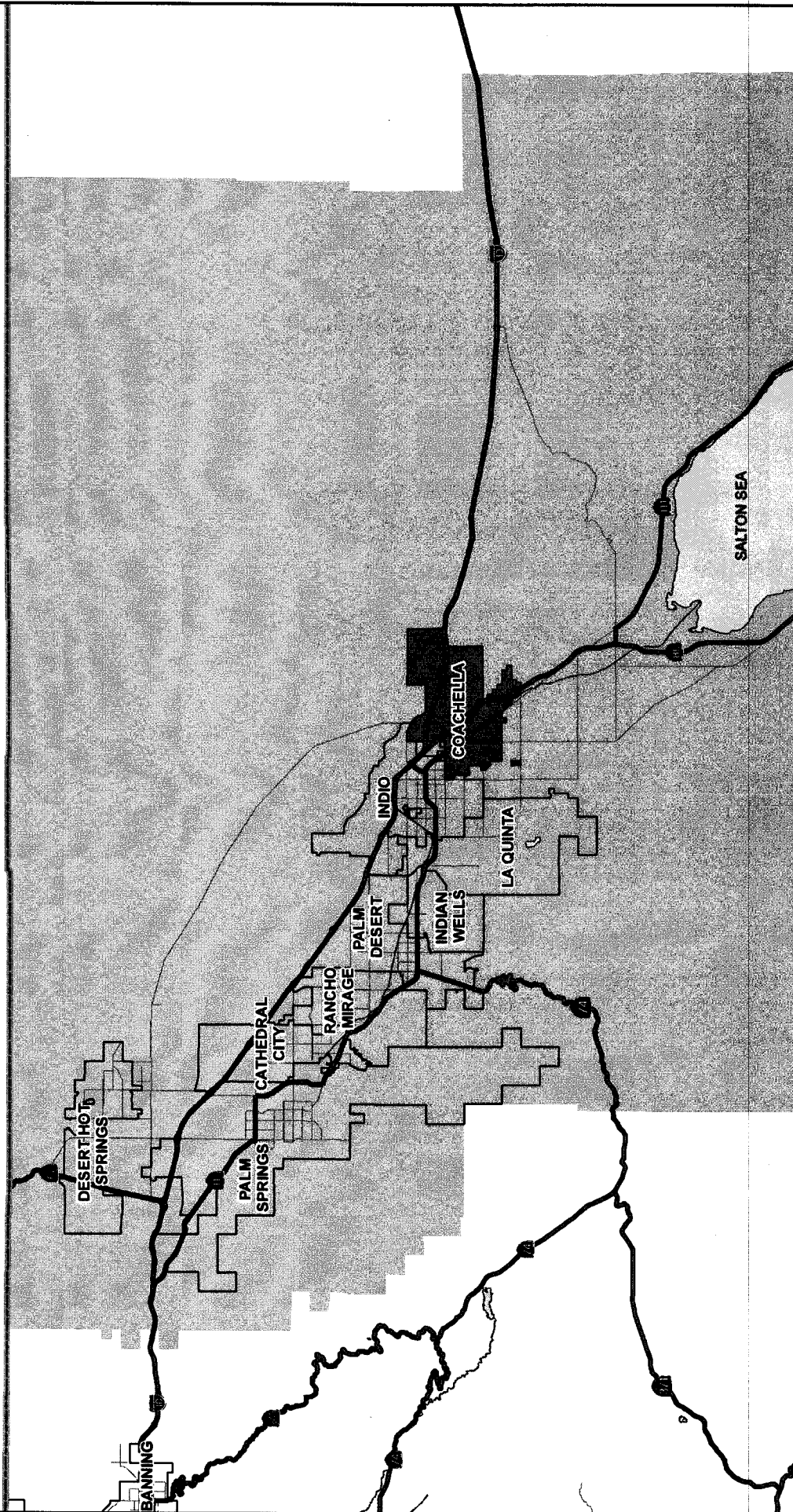
**MAP AND LEGAL DESCRIPTION OF THE BOUNDARIES OF
THE PALM SPRINGS DESERT RESORT COMMUNITIES TOURISM
BUSINESS IMPROVEMENT DISTRICT**

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

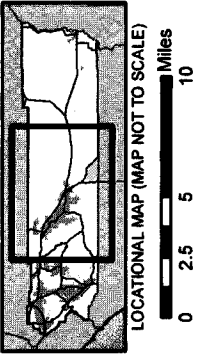
1. **BEGINNING** at the Northeast corner of Section 1, Township 2 South, Range 2 East, San Bernardino Meridian, also being a point on the north line of Riverside County;
2. Thence South along said Range line to the Northeast corner of Section 36, T2S, R2E;
3. Thence West along the North line of said 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 Coachella.

The Palm Springs Desert Resort Communities Tourism Business Improvement District



- Participating Cities/Unincorporated
- Non-Participating City (Coachella)
- Cities
- Highways
- Major Roads
- County Line
- Waterbodies



Date: March 3, 2010
 Source: Riverside County TLMA/GIS
 Filename: \\Agency\lmapi\Workspac\Rockcoacheila_bw_map.mxd





Palm Springs Desert Resorts

CONVENTION AND VISITORS AUTHORITY

HIBC Advisory Board to
The County of Riverside
Board of Supervisors for
Palm Springs Desert Resorts Tourism
Business Improvement District (BID)

Fiscal Year 2009-2010 Annual Report

Fiscal Year 2010-2011 Budget

The Hospitality Industry and Business Council (HIBC), the Advisory Board for the Palm Springs Desert Resorts Tourism Business Improvement District (BID) has completed eight (8) months of the 2009-2010 Sales and Marketing Plan for our destination. Funding for the plan implementation is provided from the BID.

The Advisory Board recommends the continuation of the BID for Fiscal Year 2010-2011, as follows:

- 1) The boundaries of the parking and business improvement area or in any benefit zones within the area be expanded to include the addition of the City of Palm Desert.
- 2) The improvements and activities to be provided for fiscal year 2010-2011, are detailed in Attachment A.
- 3) The estimated cost of providing the improvement and activities for fiscal year 2010-2011 is \$4.8 million, and detailed in Attachment C.
- 4) Levying of the BID assessment remains the same; i.e., 2% of total hotel room revenue in hotels within the District having 50 rooms and more.
- 5) Recognize that HIBC has incorporated, and is now Hospitality Industry and Business Council, Inc.
- 6) HIBC members file a Form 700, Conflict of Interest statement, as recommended by County Counsel, and will formulate an HIBC Conflict of Interest code.
- 7) As recommended by the Riverside County Treasurer/Tax Collector, the due date of the four quarterly hotel payments be changed from "before the last day of the month following each quarter" to "by the end of the last day of the month following each quarter" (section 7b (page 4) of the existing ordinance).

Serving the Desert Resort Communities of Riverside County

Cathedral City • Desert Hot Springs • Indian Wells • Indio • La Quinta • Palm Desert • Palm Springs • Rancho Mirage

70-100 Highway 111 • Rancho Mirage, CA 92270 • T: 760-770-9000 • TF: 800-967-3767 • F: 780-770-9001 • palm SpringsUSA.com
Washington, DC Sales Office • 515 King Street, Suite 315 • Alexandria, VA 22314 • T: 703-549-8026 • F: 703-519-7579



Palm Springs Desert Resorts

CONVENTION AND VISITORS AUTHORITY

HIBC/Advisory Board
Report for FY 2009-10
Page Two

- 8) The Palm Springs Desert Resort Communities Convention and Visitors Authority (CVA) has contracted with Mayer Hoffman McCann, beginning March 29, 2010, to conduct the audit of Calendar Year 2009, which includes the time required to audit the Fiscal 2008-2009 BID.

Coachella Valley Outlook:

The Coachella Valley hospitality industry is driven by the performance of the hotel industry. Restaurants, attractions, shopping, and other small businesses flourish when the hotels are full. The latest Smith Travel Research (STR) hotel analysis reports a decline of 11.4 percent in occupancy year-over-year through December 2009. Hotel average daily rate (ADR) has declined 8.8 percent through December 2009, and

Revenue per available room (REVPAR) has declined 19.2 percent. Transient occupancy taxes (TOT) have also declined by 16.6 percent through October 2009. Other hospitality industry businesses have felt the effect of the poor hotel performance. The Coachella Valley restaurant industry continues to suffer from reduced per caps and revenues. The attractions and shopping segments have also suffered declines.

The continued poor performance by the U.S. economy, and the added negative rhetoric aimed at the nationwide meetings industry have staggered both the U.S. and Southern California hotel industry. However, both STR and PKF Hospitality Research believe that hotel performance may begin to stabilize by the fourth quarter of 2010.

Serving the Desert Resort Communities of Riverside County

Cathedral City • Desert Hot Springs • Indian Wells • Indio • La Quinta • Palm Desert • Palm Springs • Rancho Mirage

70-100 Highway 111 • Rancho Mirage, CA 92270 • T: 760-770-9000 • TF: 800-967-3767 • F: 760-770-9001 • palmspringsusa.com
Washington, DC Sales Office • 515 King Street, Suite 315 • Alexandria, VA 22314 • T: 703-549-8026 • F: 703-519-7579



Palm Springs Desert Resorts

CONVENTION AND VISITORS AUTHORITY

HIBC/Advisory Board
Report for FY 2009-10
Attachment A

With the BID funding in Fiscal Year 2010-2011, the CVA working with the Coachella Valley hospitality industry will continue the following strategies and activities:

Convention Sales:

- Continue funding satellite sales offices to boost meeting and convention leads
- concentrate meetings and conventions sales efforts on Southern California, Seattle, Portland, San Francisco, Sacramento, Los Angeles, Orange County, San Diego, Dallas, Washington, D.C., Northeast United States, and Chicago
- generate qualified meeting and convention leads
- assist hotels in closing business
- increase alliances with third-party booking sources
- increase CVA client database
- promote destination awareness
- increase participation in trade shows, FAMs, and sales missions
- increase small meetings business to all hotels
- expand the "Bring My Meeting Home" program
- work with the Palm Springs International Airport to stabilize air service
- continue to include Ontario International Airport as a gateway

Market Development:

- increase direct consumer advertising and promotions
- partner with the State of California Tourism Commission and key industry leaders to extend our advertising dollars to reach a national audience
- leverage advertising dollars by continuing the cooperative partnership between cities, hoteliers, airport, etc.
- focus additional partnerships with nontraditional partners
- develop an integrated campaign of print and broadcast advertising, promotions, public relations, conventional and electronic mail
- enhance online technology and marketing

Travel Industry Sales:

- generate qualified tour operator and tour wholesaler leads
- expand positioning in new and existing travel partner brochures
- assist hotels in closing business

Serving the Desert Resort Communities of Riverside County

Cathedral City • Desert Hot Springs • Indian Wells • Indio • La Quinta • Palm Desert • Palm Springs • Rancho Mirage

70-100 Highway 111 • Rancho Mirage, CA 92270 • T: 760-770-9000 • TF: 800-967-3767 • F: 760-770-9001 • palmsspringsusa.com
Washington, DC Sales Office • 515 King Street, Suite 315 • Alexandria, VA 22314 • T: 703-549-8026 • F: 703-519-7579



Palm Springs Desert Resorts

CONVENTION AND VISITORS AUTHORITY

HIBC/Advisory Board
Report for FY 2009-10
Attachment A - continued

- increase client database
- increase participation in trade shows, FAMs, and sales missions
- promote destination awareness
- expand sales efforts with receptive tour operators
- work with the Palm Springs International Airport to stabilize air service
- add contract sales representation in Canada
- expand international positioning through increased participation in state co-op sales/marketing offices in UK and Germany

Serving the Desert Resort Communities of Riverside County

Cathedral City • Desert Hot Springs • Indian Wells • Indio • La Quinta • Palm Desert • Palm Springs • Rancho Mirage

70-100 Highway 111 • Rancho Mirage, CA 92270 • T: 760-770-9000 • TF: 800-967-3767 • F: 760-770-9001 • palm Springs usa.com
Washington, DC Sales Office • 515 King Street, Suite 315 • Alexandria, VA 22314 • T: 703-549-8026 • F: 703-519-7579



Palm Springs Desert Resorts

CONVENTION AND VISITORS AUTHORITY

HIBC/Advisory Board
Report for FY 2009-10
Attachment B

For Calendar Year 2009, the following highlights were achieved with the assistance of the BID funding*:

<u>Convention Sales:</u>	<u>Goal</u>	<u>Attainment</u>	<u>%</u>
Room Nights	174,818	104,653	60
Lead Room Nights	684,000	519,632	76
Leads	744	603	81
<u>Travel Industry Sales/Marketing:</u>			
Leads	150	109	73
FAM Tours	13	16	123
Industry Co-Op Advertising	\$295,350	\$255,396	86
<u>Media Relations:</u>			
Print Value	\$5,000,000	\$4,292,696	85
Media Assists	550	615	111
Circulation	60,000,000	82,056,099	136

*In Fiscal Year 2009-2010, the BID funds were used to purchase assets for Convention Sales. Seventy percent (70%) of the cost (\$77,475.07) of a Convention Sales Tradeshow Booth has been assigned to the BID.

BID FORECAST EXPENSES / FUND BALANCE
PALM SPRINGS DESERT RESORT COMMUNITIES CVA
Business Improvement District

BEGIN FUND
BALANCE
JULY 1, 2010
(Estimated) \$207,734

HIBC/Advisory Board
Report for FY 2010-11
Attachment C

JULY 1, 2010 to JUNE 30, 2011

REVENUE
EXPENSES

Administration

Labor
Advertising Production
Fams/Sites/Tours
Print Collateral
Website Marketing & Development
Tradeshows/Sales Missions/Promotions/Booth
Supportive Services/Equip/Supplies

Market Development

Labor
Advertising Production
Advertising Placement
Online Promotions
Fams/Sites/Tours
Print Collateral
Website Marketing & Development
Tradeshows/Sales Missions/Promotions/Booth
Marketing Representation-FAM-EVENT Hosting
Supportive Services/Equip/Supplies

TIS

Labor
Advertising Production
Advertising Placement
Fams/Sites/Tours
Print Collateral
Website Marketing & Development
Tradeshows/Sales Missions/Promotions/Booth
Marketing Representation-FAM-EVENT Hosting
Supportive Services/Equip/Supplies

Convention Services

Labor
Advertising Production
Advertising Placement
Online Promotions
Fams/Sites/Tours
Print Collateral
Tradeshows/Sales Missions/Promotions/Booth
Marketing Representation-FAM-EVENT Hosting
Supportive Services/Equip/Supplies

Convention Sales

Labor
Advertising Production
Advertising Placement
Online Promotions
Fams/Sites/Tours
Print Collateral
Website Marketing & Development
Tradeshows/Sales Missions/Promotions/Booth
Marketing Representation-FAM-EVENT Hosting
Supportive Services/Equip/Supplies

TOTAL

NET REVENUE June 30, 2011
EST. ENDING FUND BALANCE
June 30, 2011

12 Month FORECAST	12 Month BUDGET	VARIANCE
\$ 4,810,676	\$ 4,810,676	\$ -

FORECAST 2010-2011	BUDGET 2010-2011	VARIANCE 2010-2011
\$ 159,496	\$ 159,496	\$ -
\$ 518	\$ 518	\$ -
		\$ -
		\$ -
\$ 9,695	\$ 9,695	\$ -
\$ 4,916	\$ 4,916	\$ -
\$ 121,231	\$ 121,231	\$ -

\$ 306,322	\$ 306,322	\$ -
\$ 59,651	\$ 59,651	\$ -
\$ 522,880	\$ 522,880	\$ -
		\$ -
\$ 16,503	\$ 16,503	\$ -
\$ 29,101	\$ 29,101	\$ -
\$ 305,900	\$ 305,900	\$ -
\$ 27,732	\$ 27,732	\$ -
\$ 34,365	\$ 34,365	\$ -
\$ 62,317	\$ 62,317	\$ -

\$ 267,948	\$ 267,948	\$ -
\$ 35,179	\$ 35,179	\$ -
\$ 91,529	\$ 91,529	\$ -
\$ 48,944	\$ 48,944	\$ -
\$ 12,880	\$ 12,880	\$ -
		\$ -
\$ 141,801	\$ 141,801	\$ -
\$ 110,283	\$ 110,283	\$ -
\$ 26,417	\$ 26,417	\$ -

\$ 103,419	\$ 103,419	\$ -
		\$ -
		\$ -
		\$ -
		\$ -
\$ 201	\$ 201	\$ -
\$ 13,685	\$ 13,685	\$ -
\$ 4,672	\$ 4,672	\$ -

\$ 1,542,305	\$ 1,542,305	\$ -
\$ 4,562	\$ 4,562	\$ -
\$ 50,183	\$ 50,183	\$ -
\$ -	\$ -	\$ -
\$ 120,439	\$ 120,439	\$ -
\$ 38,322	\$ 38,322	\$ -
		\$ -
\$ 296,855	\$ 296,855	\$ -
\$ 177,009	\$ 177,009	\$ -
\$ 63,416	\$ 63,416	\$ -
\$ 4,810,676	\$ 4,810,676	\$ -

Forecast		Variance W/Rev
\$ -	\$ -	
\$ 207,734		