

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



3.27

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED the reading being waived, that an ordinance bearing the following title, is adopted:

ORDINANCE NO. 883.2

AN ORDINANCE OF THE COUNTY OF RIVERSIDE, AMENDING ORDINANCE NO. 883 ESTABLISHING THE PALM SPRINGS DESERT RESORT COMMUNITIES TOURISM BUSINESS IMPROVEMENT DISTRICT AND LEVYING AN ANNUAL ASSESSMENT THEREIN

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on May 25, 2010 of Supervisors Minutes.

(seal) WITNESS my hand and the seal of the Board of Supervisors
Dated: May 25, 2010
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: *Kecia Harper-Ihem* Deputy

AGENDA NO.
3.27

xc: EDA, MC, COB

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

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2
3 ORDINANCE NO. 883.2

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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 of Ordinance No. 883 is repealed in its entirety.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:

CURTIS APPROVED COUNTY COUNSEL
BY Dale A. Gardner 5/10/10
DATE

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

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

27 "e. Refunds. Whenever the amount of any Assessment levied, interest, or
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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.
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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 BOARD OF SUPERVISORS OF THE COUNTY
8 OF RIVERSIDE, STATE OF CALIFORNIA

9
10 By: Marion Ashley
11 Chairman
12 Marion Ashley

11 ATTEST:

12 Kecia Harper-Ihem
13 CLERK OF THE BOARD:

14 By: Kecia Harper-Ihem
15 Deputy

16 (SEAL)
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on May 25, 2010, the foregoing ordinance consisting of 15 Sections was adopted by the following vote:

AYES: Buster, Tavaglione, Stone, Benoit, and Ashley
NAYS: None
ABSENT: None

DATE: May 25, 2010

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL

EXHIBIT 1

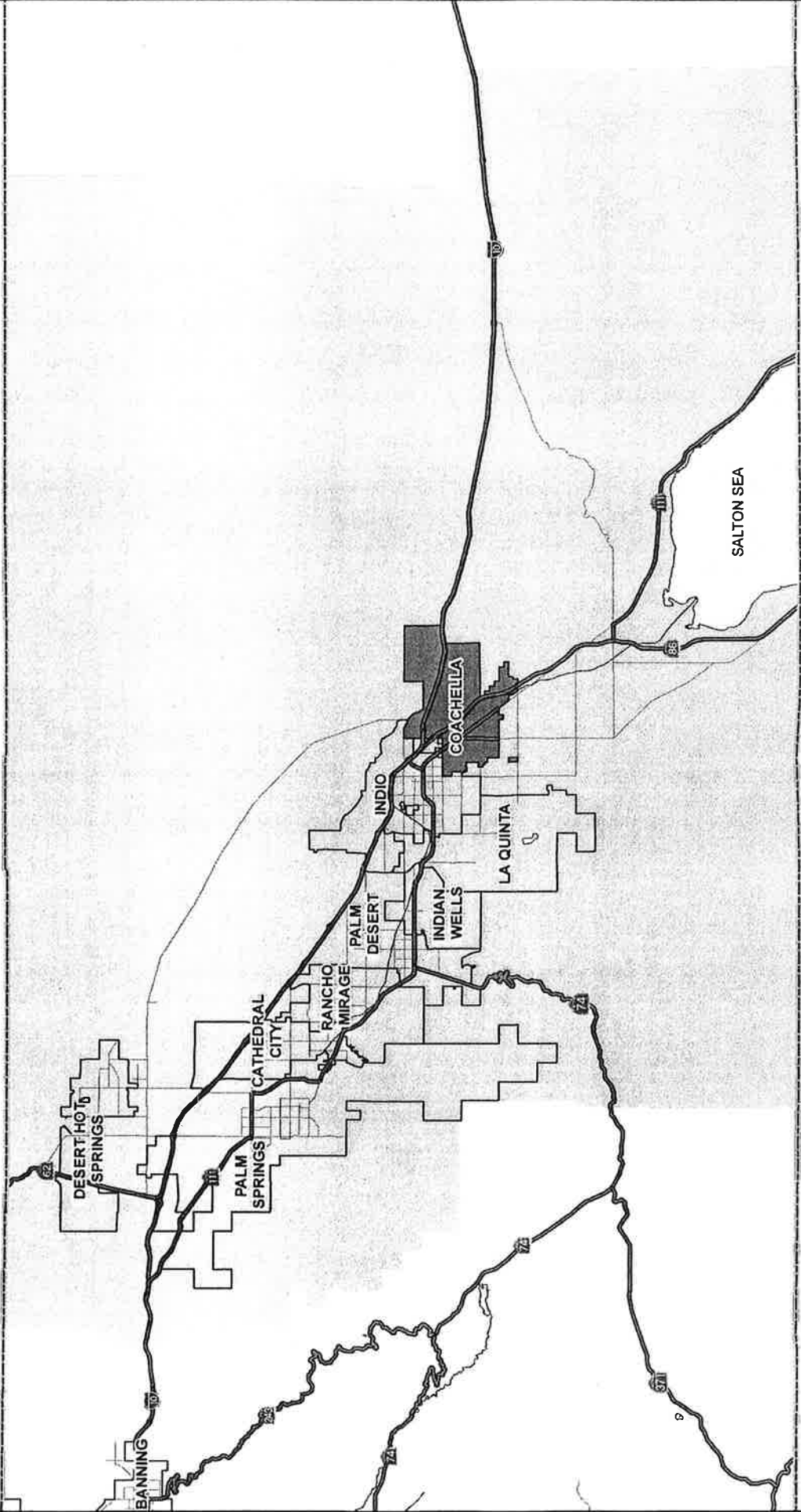
**MAP AND LEGAL DESCRIPTION OF THE BOUNDARIES OF
THE PALM SPRINGS DESERT RESORT COMMUNITIES TOURISM
BUSINESS IMPROVEMENT DISTRICT**

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

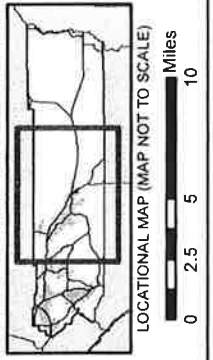
1. **BEGINNING** at the Northeast corner of Section 1, Township 2 South, Range 2 East, San Bernardino Meridian, also being a point on the north line of Riverside County;
2. Thence South along said Range line to the Northeast corner of Section 36, T2S, R2E;
3. Thence West along the North line of said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

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

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AMENDING ORDINANCE NO. 883 ESTABLISHING THE PALM SPRINGS DESERT RESORT
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Section 4. A new subsection e. is added to Section 1. of Ordinance No. 883 to read as follows:

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

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

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

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

"g. At 9:00 a.m. on May 4, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public meeting concerning the intended modification of the Tourism BID boundaries and the intended levy of an annual assessment for fiscal year 2010-2011. At 9:30 a.m. on May 18, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public hearing concerning the intended modification of the Tourism BID boundaries to include the City of Palm Desert within the Tourism BID and the intended levy of the fiscal year 2010-2011 assessment. At the public meeting and the public hearing, the Board of Supervisors heard the testimony of all interested persons for or against the intended Tourism BID boundary modification, the furnishing of specific types of activities, and the intended annual assessment levy. At the public hearing, the Board of Supervisors also heard, considered, and overruled all protests against the intended Tourism BID boundary modification, the furnishing of proposed activities, and the intended annual assessment levy. At the conclusion of the public hearing the Board of Supervisors determined that no majority protest existed."

Section 7. A new subsection h. is added to Section 1. of Ordinance No. 883 to read as follows:
“h. The Board of Supervisors finds that establishing a business improvement district to be commonly known as the Palm Springs Desert Resort Communities Tourism Business Improvement District to promote tourism within the desert communities and to fund related programs will benefit the hotel and motel businesses within the desert communities. The hotel and motel businesses and property within the Tourism BID will be benefited by the activities to be funded by the assessments proposed to be levied. As businesses that benefit from tourist visits, hotels and motels may properly be assessed to promote tourism.”

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

Section 10. Section 6. of Ordinance 883 is amended to read as follows:
“Section 6. ESTABLISHMENT OF TOURISM BID. The Palm Springs Desert Resort Communities Tourism Business Improvement District is hereby established as a parking and business improvement area under the Act. The boundaries of the Tourism BID are coterminous with the operational boundaries of the Palm Springs Desert Resorts Convention and Visitors Authority, 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. A map and legal description of the boundaries are attached hereto as Exhibit 1 and incorporated herein by reference. The Tourism BID and all Assessable Hotels and Assessable Motels within the boundaries of the Tourism BID shall be subject to the Act and all subsequent amendments thereto.

a. Advisory Board. Pursuant to the Act, the Board of Supervisors has appointed Hospitality Industry and Business Council, Inc. to serve as the Advisory Board for the Tourism BID to make recommendations concerning its operations and the expenditure of revenues derived from the levy of Assessments. The Hospitality Industry and Business Council, Inc. manages the Palm Springs Desert Resort Communities Convention and Visitors Authority subject to the approval of the Executive Committee of the Palm Springs Desert Resort Communities Convention and Visitors Authority. In addition, the Advisory Board shall have such other powers and be authorized to perform such other duties as the Board of Supervisors may from time to time determine and direct. The Advisory Board shall annually present a report to the Board of Supervisors for approval which shall include a program of activities intended to be implemented within the Tourism BID together with an estimate of related expenditures. The Advisory Board shall also submit an annual report to the Board of Supervisors outlining the previous years’ revenues and how those revenues were expended.”

Section 11. Subsection b. of Section 7. of Ordinance 883 is amended to read as follows:
“b. Time and Manner of Collection of Annual Assessments. Annual Assessments shall be collected by the County Treasurer-Tax Collector in four (4) installments. Each Operator of an Assessable Hotel or an Assessable Motel shall, on or before the last day of the month following each quarter, make a report to the County Treasurer-Tax Collector on return forms provided by the County reflecting the dollar amount of Assessment due for that quarter. The full amount of the Assessment shall be remitted to the County Treasurer-Tax Collector at the time that the return form is filed. The return form and payment of the full amount of the Assessment shall be due no later than the last day of the month following the close of each calendar quarter and shall become delinquent if not post-marked or received in the County Treasurer-Tax Collector’s office on or before the last day of the month following the close of each calendar quarter.

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

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

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

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

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

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

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

The County Treasurer-Tax Collector shall establish an interest bearing trust fund for deposit of all Assessments collected pursuant to this ordinance. On a quarterly basis, the County Treasurer-Tax Collector may deduct monies from the trust fund to reimburse itself and other County departments for actual costs associated with the administration of the Tourism BID and this ordinance and for all direct and indirect costs of collection related activities and enforcement related activities, including but not limited to, court costs and attorneys' fees. On a quarterly basis, after first deducting such costs, the County-Treasurer-Tax Collector shall transfer all remaining Assessment revenues and interest in the trust account to the Palm Springs Desert Resorts Convention and Visitors Authority which shall only expend the transferred Assessment revenues in accordance with the annual report approved and confirmed by the Board of Supervisors."

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

"c. Time and Manner of Appeal. If any Operator of an Assessable Hotel or Assessable Motel refuses or fails to file a timely return or to remit timely payment of an Assessment or any portion thereof, the County Treasurer-Tax Collector shall proceed in such manner as he or she deems best to obtain facts and information on which to base his or her estimate of the Assessment due.

If the County Treasurer-Tax Collector determines that any Operator of an Assessable Hotel or Assessable Motel has not properly calculated the Assessment, properly filed a return, or properly paid the Assessment as required by this ordinance, the County Treasurer-Tax Collector shall procure such facts and information as he or she is able to obtain and shall estimate and determine the Assessment due from that Operator including any authorized interest and penalties.

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

on his particular Assessable Hotel or Assessable Motel. Class-action or representative claims for hearings are not authorized by this ordinance.

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

At the hearing, the Operator may appear and offer evidence why the specified Assessment, interest, and penalties should not be levied. After the hearing, the County Treasurer-Tax Collector shall determine the amount of the Assessment, interest, and penalties, if any, that the Operator is required to remit pursuant to this ordinance. The County Treasurer-Tax Collector shall give notice of his or her decision by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the Operator at his last known address. The amount of the Assessment, interest, and penalties, as reflected in the County Treasurer-Tax Collector's written decision shall be payable fifteen (15) calendar days after personal service or mailing of the decision unless the Operator applies for an appeal to the Board of Supervisors. An Owner may only apply to the Board of Supervisors for an appeal related to the Assessment being levied on his particular Assessable Hotel or Assessable Motel. Class-action or representative requests for appeals to the Board of Supervisors are not authorized by this Ordinance.

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

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

Section 13. Subsection e. of Section 7. of Ordinance 883 is amended to read as follows:

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

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

A guest of an Assessable Hotel or Assessable Motel may obtain a refund of an Assessment overpaid or paid more than once or erroneously or illegally collected or received by the County by filing a claim for a refund as described above, but only when the Assessment was paid directly to the County Treasurer-Tax Collector or when the guest, having paid the Assessment to the Operator, satisfactorily establishes that he or she has been unable to obtain a refund from the Operator who elected to pass on some or all of the Assessment to the guest. No refund shall be paid nor credit against Assessments provided unless the claimant establishes his or her right thereto by written records and argument showing entitlement thereto."

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

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

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **May 25, 2010**, the foregoing Ordinance consisting of fourteen (14) sections was adopted by said Board by the following vote:

AYES: Buster, Tavaglione, Stone, Benoit and Ashley
NAYS: None
ABSENT: None

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant



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).

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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.

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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

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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

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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.

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

JAN 1, 2009 to JUNE 30, 2009

REVENUE
EXPENSES
BID BUDGET FORECAST

Administration

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

Market Development

5000 Series Payroll Labor
5100 Advertising Production
5105-5108 Advertising Placement
Online Promotions
5130-5135 Fams/Sites/Tours
5110-5115 Print Collateral
5240- Website Marketing & Development
5120-5140-5150-5155 Tradeshow/Sales Missions/Promotions/Booth
5160-5180 Marketing Representation-FAM-EVENT Hosting
5310-5676 All Other Supportive Services/Equip/Supplies

TIS

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

TOTAL

NET REVENUE June 30, 2009

ENDING FUND BALANCE June 30, 2009

BEGIN
FUND BALANCE
\$0

HJBC/Advisory Board
Report for FY 2008-09
Attachment C

6 Month Budget	6 Month Budget	6 Month Budget
ACTUALS	ORIG BUDGET	VARIANCE
2008-2009	2008-2009	2008-2009
\$ 2,571,160	\$ 2,900,000.00	\$328,840
\$78,903	\$106,231	\$27,328
\$0	\$1,460	\$1,460
\$0	\$0	\$0
\$332	\$0	-\$332
\$1,961	\$2,810	\$849
\$1,491	\$2,970	\$1,479
\$32,775	\$48,825	\$16,050
\$79,839	\$100,090	\$20,251
\$27,353	\$233,891	\$206,538
\$131,368	\$411,176	\$279,808
\$0	\$140,000	\$140,000
\$4,241	\$0	-\$4,241
\$5,488	\$0	-\$5,488
\$7,550	\$127,084	\$119,534
\$7,185	\$11,386	\$4,201
\$11,073	\$35,955	\$24,882
\$20,483	\$64,115	\$43,632
\$207,079	\$179,037	-\$28,042
\$8,420	\$20,910	\$12,490
\$27,900	\$58,596	\$30,696
\$15,171	\$0	-\$15,171
\$3,561	\$0	-\$3,561
\$10	\$0	-\$10
\$52,522	\$74,771	\$22,249
\$65,463	\$103,819	\$38,356
\$11,667	\$20,879	\$9,212
\$32,707		\$0
		-\$32,707
		\$0
		\$0
		\$0
		\$0
		\$0
\$5,960		-\$5,960
\$1,132		-\$1,132
\$559,759	\$686,362	\$126,603
\$0	\$31,349	\$31,349
\$12,758	\$39,035	\$26,278
	\$30,000	\$30,000
\$41,175	\$0	-\$41,175
\$2,390	\$0	-\$2,390
\$0	\$0	\$0
\$228,478	\$172,116	-\$56,362
\$77,453	\$148,741	\$71,288
\$46,173	\$48,392	\$2,219
\$1,809,819	\$2,900,000	\$1,090,181
	Orig Budget	Variance W/Rev
\$761,340		
\$761,340		

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

BEGIN FUND
BALANCE
JULY 1, 2009
(6 Month Report)
\$ 761,340

BEGIN FUND
BALANCE
JULY 1, 2009
\$ 761,340

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

JULY 1, 2009 to JUNE 30, 2010
As of December 31, 2009 (Forecast-Revenue)

REVENUE

6 Month Actual
EST Revenue \$ 1,488,788

12 Month
FORECAST
\$ 4,089,641

12 Month
BUDGET
\$ 5,800,000

VARIANCE
\$ 1,710,359

EXPENSES

Administration

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

6 Months
July 1-Dec 31, 2009
2009-2010

12 Month
FORECAST
2009-2010

12 Month
BUDGET
2009-2010

VARIANCE
2009-2010

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 Dec 31, 2009
ENDING FUND BALANCE
December 31, 2009

Actual
-\$553,606
\$207,734

Forecast
\$0
\$207,734

Net Revenue 12 Month 6/30/2010
Fund Balance 12 Month 6/30/2010

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

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

Administration

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

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

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

\$	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	\$	-

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

\$	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	\$	-
\$	28,417	\$	28,417	\$	-

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

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

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

\$	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	\$	-

TOTAL

\$	4,810,676	\$	4,810,676	\$	-
----	-----------	----	-----------	----	---

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

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

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



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.

Robert Field

BACKGROUND: (Commences on Page 2)

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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended and the above Ordinance is approved as introduced with waiver of reading.

Ayes: Buster, Tavaglione, Benoit and Ashley
Nays: Stone
Absent: None
Date: May 18, 2010
xc: EDA, Treasurer, *COB*

Kecia Harper-Ihem
Clerk of the Board
By: *Jennifer Sargent*
Deputy

Prev. Agn. Ref.: 3.48 of 5/4/10; 3.19 of 3/16/10 | **District:** 4, 5 | **Agenda Number:**

9.10

FORM APPROVED/COUNTY COUNSEL
BY: *DALE A. GARDNER* DATE: 5/6/10
Department: *GARDNER*

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

 Consent Policy
 Consent Policy

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

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.

CLERK OF THE BOARD

KECIA HARPER-IHEM

Memorandum



To: Teresa Gallavan, EDA
From: Cecilia Gil, Board Assistant
Date: June 17, 2010
Re: Ordinance No. 883.2 Effective Date

Ordinance No. 883.2 was adopted by the Board as item 3.27 of May 25, 2010. Per requirement, adopted Ordinances should be published within 15 days from the date therein; and 30 days after the adoption, the ordinance shall take effect.

However, because of some clerical errors, the incorrect version of the Ordinance has been published. Therefore, a need to republish the corrected version of the Ordinance is required, thereby extending the effective date to 30 days after the corrected version is published.

In this regard, the new effective date for Ordinance No. 883.2 is now July 20, 2010, 30 days after the corrected version was published on June 20, 2010.



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1ST FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
(951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

June 7, 2010

THE PRESS ENTERPRISE
ATTN: LEGALS
PO BOX 792
RIVERSIDE, CA 92501

FAX: (951) 368-9018
E-MAIL: legals@pe.com

RE: ADOPTION OF ORDINANCE NO. 883.2

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Wednesday, June 9, 2010**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

McGil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: PE Legals [legals@pe.com]
Sent: Monday, June 07, 2010 9:07 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. NO. 883.2

Received for publication on June 9

Thank You! -Maria G. Tinajero - The Press Enterprise Legal Adv. - 1.800.880.0345 (Phone) - 951.368.9018 (fax) - Please Note: Deadline is 10:30 AM two (2) business days prior to the date you would like to publish.

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Monday, June 07, 2010 8:56 AM
To: PE Legals
Subject: FOR PUBLICATION: ADOPTION OF ORD. NO. 883.2

Good Morning!

Attached is an Adoption of Ordinance, for publication on Wednesday, June 9, 2010. Please confirm.
THANK YOU!

Cecilia Gil

Board Assistant to the Clerk of the Board
County of Riverside
951-955-8464



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
(951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

June 7, 2010

THE DESERT SUN
ATTN: LEGALS
PO BOX 2734
PALM SPRINGS, CA 92263

FAX: (760) 778-4731
E-MAIL: legals@thedesertsun.com

RE: ADOPTION OF ORDINANCE NO. 883.2

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Wednesday, June 9, 2010**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, WITH TWO CLIPPINGS OF THE PUBLICATION.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

McGil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Rector, Kimberly
Sent: Monday, June 07, 2010 3:13 PM
To: Gil, Cecilia
Subject: FW: SUN-Ord. No. 883.2.doc

FYI...

From: Moeller, Charlene [mailto:CMOELLER@palmspri.gannett.com]
Sent: Monday, June 07, 2010 3:05 PM
To: Rector, Kimberly
Subject: RE: SUN-Ord. No. 883.2.doc

Ad received and will publish on date(s) requested.

Charlene Moeller
Public Notice Customer Service Rep.
The Desert Sun Newspaper
750 N. Gene Autry Trail, Palm Springs, CA 92262
(760) 778-4578, Fax (760) 778-4731
Desert Sun legals@thedesertsun.com
& Desert Post Weekly dpwlegals@thedesertsun.com
The Coachella Valley's #1 Source in News & Advertising! Visit us at mydesert.com

NOTE: Starting on March 29th, there will be a \$10 affidavit processing fee added to the cost of each Public Notice

From: Rector, Kimberly [mailto:KRECTOR@rcbos.org]
Sent: Monday, June 07, 2010 3:00 PM
To: tds-legals
Subject: SUN-Ord. No. 883.2.doc

To whom it may concern:

Please confirm receipt of the attached request for publication of Ordinance 883.2 for one time on Wednesday, June 9, 2010.

Thank you,

Kimberly

Kimberly Rector
Assistant Clerk of the Board
Clerk of the Board of Supervisors
County of Riverside
(951) 955-1098 Office

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

ORDINANCE NO. 883.2

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

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

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

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

Section 3. A new subsection e. is added to Section 1. of Ordinance No. 883 to read as follows:
"e. In February of 2010, the City of Palm Desert granted consent to the County of Riverside to include the City of Palm Desert within the boundaries of the Tourism BID."

Section 4. A new subsection f. is added to Section 1. of Ordinance No. 883 to read as follows:
"f. On March 16, 2010 the Board of Supervisors adopted Resolution Number 2010-090 entitled "A Resolution of the Board of Supervisors of the County of Riverside Declaring Its Intention to Modify the Boundaries of the Palm Springs Desert Resort Communities Tourism Business Improvement District to Include the City of Palm Desert Within the Boundaries of the District, Declaring Its Intention to Levy an Annual Assessment for Fiscal Year 2010 - 2011 on Certain Hotels and Motels Located Within the Boundaries of the District as Amended, and Setting the Time and Place of a Public Meeting and Public Hearing and Giving Notice of Same."

Section 5. A new subsection g. is added to Section 1. of Ordinance No. 883 to read as follows:
"g. At 9:00 a.m. on May 4, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public meeting concerning the intended modification of the Tourism BID boundaries and the intended levy of an annual assessment for fiscal year 2010-2011. At 9:30 a.m. on May 18, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public hearing concerning the intended modification of the Tourism BID boundaries to include the City of Palm Desert within the Tourism BID and the intended levy of the fiscal year 2010-2011 assessment. At the public meeting and the public hearing the Board of Supervisors heard the testimony of all interested persons for or against the intended Tourism BID boundary modification, the furnishing of specific types of activities, and the intended annual assessment levy. At the public hearing, the Board of Supervisors also heard, considered, and overruled all protests against the intended Tourism BID boundary modification, the furnishing of proposed activities, and the intended annual assessment levy. At the conclusion of the public hearing the Board of Supervisors determined that no majority protest existed."

Section 6. A new subsection h. is added to Section 1. of Ordinance No. 883 to read as follows:
"h. The Board of Supervisors finds that establishing a business improvement district to be commonly known as the Palm Springs Desert Resort Communities Tourism Business Improvement District ("Tourism BID") to promote tourism within the desert communities and to fund related programs will benefit the hotel and motel businesses within the desert communities. The hotel and motel businesses and property within the Tourism BID will be benefited by the activities to be funded by the assessments proposed to be levied. As businesses that benefit from tourist visits, hotels and motels may properly be assessed to promote tourism."

Section 7. A new subsection i. is added to Section 1. of Ordinance No. 883 to read as follows:
"i. In 2008, pursuant to the Act, the Board of Supervisors appointed the Hospitality Industry and Business Council of the Palm Springs Desert Resort Communities Convention and Visitors Authority to serve as the advisory board for the Tourism BID. In 2010 the Hospitality Industry and Business Council incorporated as "Hospitality Industry and Business Council, Inc." Hospitality Industry and Business Council, Inc. continues to serve as the advisory board of the Tourism BID. In addition, Hospitality Industry and Business Council, Inc. continues to manage the Palm Springs Desert Resort Communities Convention and Visitors Authority."

Section 8. Subsection c. of Section 5. of Ordinance 883 is amended to read as follows:
"c. Advisory Board. "Advisory Board" means Hospitality Industry and Business Council, Inc. (formerly known as the Hospitality Industry and Business Council of the Palm Springs Desert Resorts Convention and Visitors Authority). Hospitality Industry and Business Council, Inc. serves as the Advisory Board described in section 36530 of the Act and manages the Palm Springs Desert Resorts Convention and Visitors Authority subject to the approval of the Executive Committee of the Palm Springs Desert Resorts Convention and Visitors Authority.."

Section 9. Section 6. of Ordinance 883 is amended to read as follows:

"Section 6. ESTABLISHMENT OF TOURISM BID. The Palm Springs Desert Resort Communities Tourism Business Improvement District ("Tourism BID") is hereby established as a parking and business improvement area under the Act. The boundaries of the Tourism BID are coterminous with the operational boundaries of the Palm Springs Desert Resorts Convention and Visitors Authority, 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. A map and legal description of the boundaries are attached hereto as Exhibit 1 and incorporated herein by reference. The Tourism BID and all Assessable Hotels and Assessable Motels within the boundaries of the Tourism BID shall be subject to the Act and all subsequent amendments thereto.

a. Advisory Board. Pursuant to the Act, the Board of Supervisors has appointed Hospitality Industry and Business Council, Inc. to serve as the Advisory Board for the Tourism BID to make recommendations concerning its operations and the expenditure of revenues derived from the levy of Assessments. The Hospitality Industry and Business Council, Inc. manages the Palm Springs Desert Resort Communities Convention and Visitors Authority subject to the approval of the Executive Committee of the Palm Springs Desert Resort Communities Convention and Visitors Authority. In addition, the Advisory Board shall have such other powers and be authorized to perform such other duties as the Board of Supervisors may from time to time determine and direct. The Advisory Board shall annually present a report to the Board of Supervisors for approval which shall include a program of activities intended to be implemented within the Tourism BID together with an estimate of related expenditures. The Advisory Board shall also submit an annual report to the Board of Supervisors outlining the previous years' revenues and how those revenues were expended."

Section 10. Subsection b. of Section 7. of Ordinance 883 is amended to read as follows:
"b. Time and Manner of Collection of Annual Assessments. Annual Assessments shall be collected by the County Treasurer-Tax Collector in four (4) installments. Each Operator of an Assessable Hotel or an Assessable Motel shall, on or before the last day of the month following each quarter, make a report to the County Treasurer-Tax Collector on return forms provided by the County reflecting the dollar amount of Assessment due for that quarter. The full amount of the Assessment shall be remitted to the County Treasurer-Tax Collector at the time that the return form is filed. The return form and payment of the full amount of the Assessment shall be due no later than the last day of the month following the close of each calendar quarter and shall become delinquent if not post-marked or received in the County Treasurer-Tax Collector's office on or before the last day of the month following the close of each

calendar quarter. Nevertheless, returns and payments from the Operator of any Assessable Hotel or Assessable Motel shall be due immediately upon cessation of business for any reason.

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

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

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

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

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

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

The County Treasurer-Tax Collector shall establish an interest bearing trust fund for deposit of all Assessments collected pursuant to this ordinance. On a quarterly basis, the County Treasurer-Tax Collector may deduct monies from the trust fund to reimburse itself and other County departments for actual costs associated with the administration of the Tourism BID and this ordinance and for all direct and indirect costs of collection related activities and enforcement related activities, including but not limited to, court costs and attorneys' fees. On a quarterly basis, after first deducting such costs, the County-Treasurer-Tax Collector shall transfer all remaining Assessment revenues and interest in the trust account to the Palm Springs Desert Resorts Convention and Visitors Authority which shall only expend the transferred Assessment revenues in accordance with the annual report approved and confirmed by the Board of Supervisors."

Section 11.
"c.

Subsection c. of Section 7. of Ordinance 883 is amended to read as follows:
Time and Manner of Appeal. If any Operator of an Assessable Hotel or Assessable Motel refuses or fails to file a timely return or to remit timely payment of an Assessment or any portion thereof, the County Treasurer-Tax Collector shall proceed in such manner as he or she deems best to obtain facts and information on which to base his or her estimate of the Assessment due. If the County Treasurer-Tax

Collector determines that any Operator of an Assessable Hotel or Assessable Motel has not properly calculated the Assessment, properly filed a return, or properly paid the Assessment as required by this ordinance, the County Treasurer-Tax Collector shall procure such facts and information as he or she is able to obtain and shall estimate and determine the Assessment due from that Operator including any authorized interest and penalties.

Upon such a determination, the County Treasurer-Tax Collector shall give notice of the Assessment amount by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the Operator at his last known address. Such Operator may within ten (10) calendar days after serving or mailing of such notice make application in writing to the County Treasurer-Tax Collector for a hearing on the Assessment. An Owner may only request a hearing related to the Assessment being levied on his particular Assessable Hotel or Assessable Motel. Class-action or representative claims for hearings are not authorized by this Ordinance.

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

At the hearing, the Operator may appear and offer evidence why the specified Assessment, interest, and penalties should not be levied. After the hearing, the County Treasurer-Tax Collector shall determine the amount of the Assessment, interest, and penalties, if any, that the Operator is required to remit pursuant to this ordinance. The County Treasurer-Tax Collector shall give notice of his or her decision by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the Operator at his last known address. The amount of the Assessment, interest, and penalties, as reflected in the County Treasurer-Tax Collector's written decision shall be payable fifteen (15) calendar days after personal service or mailing of the decision unless the Operator applies for an appeal to the Board of Supervisors. An Owner may only apply to the Board of Supervisors for an appeal related to the Assessment being levied on his particular Assessable Hotel or Assessable Motel. Class-action or representative requests for appeals to the Board of Supervisors are not authorized by this Ordinance.

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

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

Section 12.
"e.

Subsection e. of Section 7. of Ordinance 883 is amended to read as follows:
Refunds. Whenever the amount of any Assessment levied, interest, or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the County under this ordinance, it may be refunded or taken as a credit against Assessments collected as set forth herein provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the County Treasurer-Tax Collector within three (3) years of the date of the payment.

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

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

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

Section 13. Exhibit 1 of Ordinance 883 is amended in its entirety by replacing the Exhibit 1 attached to Ordinance 883 with the Exhibit 1 attached to this amendment.

Section 14. This ordinance shall take effect thirty (30) days after its adoption.

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **May 25, 2010**, the foregoing Ordinance consisting of fourteen (14) sections was adopted by said Board by the following vote:

AYES: Buster, Tavaglione, Stone, Benoit and Ashley
NAYS: None
ABSENT: None

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

Legal Advertising Invoice

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 RIVERSIDE, CA 92502-2209
 FAX (951) 368-9026

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 ⑤ BILLING DATE 06/09/10
 ② ADVERTISING/CLIENT NAME BOARD OF SUPERVISORS
 FOR BILLING INFORMATION CALL (951) 368-9713
 ③ TOTAL AMOUNT DUE 1,387.10
 ④ UNAPPLIED AMOUNT 0
 ④ PAGE NO 1
 TERMS OF PAYMENT Due Upon Receipt

⑥ BILLED ACCOUNT NAME AND ADDRESS
 BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE
 P.O. BOX 1147
 RIVERSIDE CA 92502

⑥ BILLED ACCOUNT NUMBER 045202
 REP NO LE04

Statement #: 56544795 Amount Paid \$ _____ Your Check # _____

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06/09	4196075 CO	ORDINANCE NO: 883.2 Class : 10 Ctext Ad# 10292260 Placed By : Cecilia Gil	1.067 L	1.30		1,387.10

EDA
 3.27 of 05/25/10

RECEIVED RIVERSIDE COUNTY
 CLERK / BOARD OF SUPERVISORS
 2010 JUN 15 PM 12:58

⑳ EQUIPMENT NET AMOUNT DUE	㉑ 30 DAYS	㉒ 60 DAYS	㉓ OVER 90 DAYS	㉔ UNAPPLIED AMOUNT	㉕ PLEASE PAY THIS AMOUNT
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THE PRESS-ENTERPRISE  P.O. BOX 12009
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 (951) 368-9720 □ (951) 368-9713

ADVERTISING STATEMENT/INVOICE

* UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE



㉖ STATEMENT NUMBER	ADVERTISER INFORMATION			
	① BILLING PERIOD	② BILLED ACCOUNT NUMBER	③ ADVERTISER/CLIENT NUMBER	④ ADVERTISER/CLIENT NAME
56544795	06/09/10 - 06/09/10	045202		BOARD OF SUPERVISORS

THE PRESS-ENTERPRISE

3450 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P.)

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Ordinance No. 883.2

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

06-09-10

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Jun. 9, 2010
At: Riverside, California



BOARD OF SUPERVISORS

P.O. BOX 1147
COUNTY OF RIVERSIDE
RIVERSIDE CA 92502

Ad #: 10292260

PO #:

Agency #: _____

Ad Copy:

The Desert Sun

mydesert.com

750 N. Gene Autry Trail
 Palm Springs, CA 92262
 Billing Inquiries: (866) 875-0854
 Main Office: (760) 322-8889

ADVERTISING INVOICE/STATEMENT

Make Checks payable to DESERT SUN PUBLISHING CO.
 P.O. Box 677368 Dallas, TX 75267-7368
 A finance charge of 1.5% per month(18% Annually) will be
 added to balances not paid by the 20th.

135

RIV0690000037835320173470910829

RIVERSIDE COUNTY-BOARD OF SUP.
 PO BOX 1147
 RIVERSIDE CA 92502-1147

Customer No.	Invoice No.
RIV069	0003783532
For the Period	Thru
05/31/10	06/27/10
Due Date	Amount Due
07/12/10	17,347.09
AMOUNT PAID	

PLEASE RETURN THIS TOP SECTION WITH PAYMENT IN THE
 ENCLOSED ENVELOPE AND INCLUDE YOUR CUSTOMER NUMBER
 ON REMITTANCE.

Date	EDT	Class	Description	Times Run	Col	Depth	Total Size	Rate	Amount
0531			BALANCE FORWARD						12,350.83
0529	CLS	0001	CECILIA NO 2330 NOTICE I	4	2	110.00	880.00		381.20
0530	CLS	0001	CECILIA NO 2339 / RES 20	2	4	10.00	80.00		939.60
0604	CLS	0001	SANDI NO 2420 BOARD OF	2	2	337.00	1348.00		575.42
0605	CLS	0001	SANDI NO 2446 NOTICE O	2	2	91.00	364.00		167.06
0609	CLS	0001	KIMBERLY NO 2507 BOARD OF	2	2	443.00	1772.00		751.38
0609	CLS	0001	KIMBERLY/CECNO 2508 NOTICE I	9	2	78.00	1404.00		274.96
0613	CLS	0001	CECILIA NO 2586 / GATE F	1	4	7.00	28.00		335.36
0616	CLS	0001	CECILIA NO 2668 BOARD OF	2	2	126.00	504.00		225.16
0620	CLS	0001	CECILIA NO 2738 BOARD OF	2	2	65.00	260.00		123.90
0620	CLS	0001	CECILIA NO 2739 CORRECTE	2	2	451.00	1804.00		764.66
0627	CLS	0001	CECILIA NO 2856 NOTICE O	2	2	266.00	1064.00		457.56
				<i>3.27 of 05/25/10</i>					
Current		Over 30 Days	Over 60 Days	Over 90 Days	Over 120 Days	Total Due			
4,996.26		5,428.42	6,732.91	.00	189.50	17,347.09			
Contract Type	Contract Qnty.	Expiration Date	Current Usage	Total Used	Quantity Remaining	Salesperson			
						MOELLER			

The Advertiser shall make payment within 15 days of the billing date indicated on Company's statement, and, in the event that it fails to make payment within such time, Company may reject advertising copy and / or immediately cancel this contract and Advertiser agrees to indemnify Company for all expenses incurred in connection with the collection of amounts payable under this contract, including but not limited to collection fees, attorney's fees and court costs. If this agreement is cancelled due to Advertiser's failure to make timely payment, Company may rebill the Advertiser for the outstanding balance due at the open or earned contract rate, whichever is applicable.

TO ENSURE PROPER CREDIT, PLEASE RETURN THE TOP SECTION AND INCLUDE YOUR CUSTOMER NUMBER ON REMITTANCE.

Customer Number	Name	Invoice Number	Amount Paid
RIV069	RIVERSIDE COUNTY-BOARD OF SUP.	0003783532	

The Desert Sun
750 N Gene Autry Trail
Palm Springs, CA 92262
760-778-4578 / Fax 760-778-4731

Certificate of Publication

State Of California ss:
County of Riverside

Advertiser:

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST
RIVERSIDE CA 925013

2000209583

No 2507
BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

ORDINANCE NO. 883.2

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

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

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

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

Section 3. A new subsection e. is added to Section 1. of Ordinance No. 883 to read as follows:
"e. In February of 2010, the City of Palm Desert granted consent to the County of Riverside to include the City of Palm Desert within the boundaries of the Tourism BID."

Section 4. A new subsection f. is added to Section 1. of Ordinance No. 883 to read as follows:
"f. On March 16, 2010 the Board of Supervisors adopted Resolution Number 2010-090 entitled 'A Resolution of the Board of Supervisors of the County of Riverside Declaring Its Intention to Modify the Boundaries of the Palm Springs Desert Resort Communities Tourism Business Improvement District to Include the City of Palm Desert Within the Boundaries of the District, Declaring Its Intention to Levy an Annual Assessment for Fiscal Year 2010 - 2011 on Certain Hotels and Motels Located Within the Boundaries of the District as Amended, and Setting the Time and Place of a Public Meeting and Public Hearing and Giving Notice of Same.'"

Section 5. A new subsection g. is added to Section 1. of Ordinance No. 883 to read as follows:
"g. At 9:00 a.m. on May 4, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public meeting concerning the intended modification of the Tourism BID boundaries and the intended levy of an annual assessment for fiscal year 2010-2011. At 9:30 a.m. on May 18, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public hearing concerning the intended modification of the Tourism BID boundaries to include the City of Palm Desert within the Tourism BID and the intended levy of the fiscal year 2010-2011 assessment. At the public meeting and the public hearing the Board of Supervisors heard the testimony of all interested persons for or against the intended Tourism BID boundary modification, the furnishing of specific types of activities, and the intended annual assessment levy. At the public hearing, the Board of Supervisors also heard, considered, and overruled all protests against the intended Tourism BID boundary modification, the furnishing of proposed activities, and the intended annual assessment levy. At the conclusion of the public hearing the Board of Supervisors determined that no majority protest existed."

Section 6. A new subsection h. is added to Section 1. of Ordinance No. 883 to read as follows:
"h. The Board of Supervisors finds that establishing a business improvement district to be commonly known as the Palm Springs Desert Resort Communities Tourism Business Improvement District ("Tourism BID") to promote tourism within the desert communities and to fund related programs will benefit the hotel and motel businesses within the desert communities. The hotel and motel businesses and property within

herein by reference. The Tourism BID and all Assessable Hotels and Assessable Motels within the boundaries of the Tourism BID shall be subject to the Act and all subsequent amendments thereto.

a. Advisory Board. Pursuant to the Act, the Board of Supervisors has appointed Hospitality Industry and Business Council, Inc. to serve as the Advisory Board for the Tourism BID to make recommendations concerning its operations and the expenditure of revenues derived from the levy of Assessments. The Hospitality Industry and Business Council, Inc. manages the Palm Springs Desert Resort Communities Convention and Visitors Authority subject to the approval of the Executive Committee of the Palm Springs Desert Resort Communities Convention and Visitors Authority. In addition, the Advisory Board shall have such other powers and be authorized to perform such other duties as the Board of Supervisors may from time to time determine and direct. The Advisory Board shall annually present a report to the Board of Supervisors for approval which shall include a program of activities intended to be implemented within the Tourism BID together with an estimate of related expenditures. The Advisory Board shall also submit an annual report to the Board of Supervisors outlining the previous years' revenues and how those revenues were expended."

Section 10. Subsection b. of Section 7. of Ordinance 883 is amended to read as follows:

"b. Time and Manner of Collection of Annual Assessments. Annual Assessments shall be collected by the County Treasurer-Tax Collector in four (4) installments. Each Operator of an Assessable Hotel or an Assessable Motel shall, on or before the last day of the month following each quarter, make a report to the County Treasurer-Tax Collector on return forms provided by the County reflecting the dollar amount of Assessment due for that quarter. The full amount of the Assessment shall be remitted to the County Treasurer-Tax Collector at the time that the return form is filed. The return form and payment of the full amount of the Assessment shall be due no later than the last day of the month following the close of each calendar quarter and shall become delinquent if not post-marked or received in the County Treasurer-Tax Collector's office on or before the last day of the month following the close of each calendar quarter. Nevertheless, returns and payments from the Operator of any Assessable Hotel or Assessable Motel shall be due immediately upon cessation of business for any reason. The County Treasurer-Tax Collector may establish shorter reporting or remitting periods if shorter periods are deemed reasonably necessary to insure proper collection of the Assessment from any Operator. In addition, the County Treasurer-Tax Collector may require Operators to provide such additional information in any return as is deemed reasonably necessary to enable proper collection of the Assessment. Each return shall contain a declaration under penalty of perjury, executed by the Operator or its authorized agent, that, to the best of the declarant's knowledge, the statements in the return are true, correct, and complete. Any Operator of an Assessable Hotel or Assessable Motel who fails to remit any Assessment imposed by this ordinance within the time required, shall pay a penalty of ten percent (10%) of the amount of the Assessment in addition to the amount of the original Assessment. Any Operator of an Assessable Hotel or Assessable Motel who fails to remit any delinquent remittance on or before the fifteenth day of the month following the date of the first penalty shall pay a second delinquency penalty of ten percent (10%) of the amount of the Assessment in addition to the sum of the original Assessment and the ten percent (10%) penalty first imposed. If the County Treasurer-Tax Collector determines that the nonpayment of any remittance due under this ordinance is due to fraud, a penalty of twenty-five percent (25%) of the amount of the corrected Assessment (as determined by the County Treasurer Tax Collector) shall be added thereto in addition to the penalties stated above. In addition to the penalties imposed, any Operator of an Assessable Hotel or Assessable Motel who fails to pay any Assessment imposed by this ordinance shall pay interest at the rate of one percent (1%) per month, or fraction thereof, on the amount of Assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid. Every penalty imposed and such interest as accrued under the provisions of this section shall become a part of the Assessment required to be paid. The County may charge an administrative fee for the collection and processing of the Assessments in order to recover its reasonable costs for this service and may also fully recover all other reasonable, direct and indirect collection costs and enforcement costs, including but not limited to, court costs and attorneys' fees. The County Treasurer-Tax Collector shall establish an interest bearing trust fund for deposit of all Assessments collected pursuant to this ordinance. On a quarterly basis, the County Treasurer-Tax Collector may deduct monies from the trust fund to reimburse itself and other County departments for actual costs associated with the administration of the Tourism BID and this ordinance and for all direct and indirect costs of collection related activities and enforcement related activities, including

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter, I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

Newspaper: The Desert Sun

6/9/2010

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 9th day of June, 2010 in Palm Springs, California.



Declarant

Certificate of Publication

Trail
92262
ix 760-778-4731

ia ss:
side

UNTY-BOARD OF SUP.


CA 925013

le of 18 years old, a citizen of the United party to, or have interest in this matter. I at the attached advertisement appeared r (set in type not smaller than non pariel) e issue of said newspaper and not in any f on the following dates, to wit:

.The Desert Sun

t I am a principal clerk of the printer of printed and published weekly in the City County of Riverside, State of California. was adjudicated a newspaper of general ch 24, 1988 by the Superior Court of the ide, State of California Case No.

analogy of perjury that the foregoing is true cuted on this 9th day of June, 2010 in ornia.



No 2507
BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

ORDINANCE NO. 883.2

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

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

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

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

Section 3. A new subsection e. is added to Section 1. of Ordinance No. 883 to read as follows:
"e. In February of 2010, the City of Palm Desert granted consent to the County of Riverside to include the City of Palm Desert within the boundaries of the Tourism BID."

Section 4. A new subsection f. is added to Section 1. of Ordinance No. 883 to read as follows:
"f. On March 16, 2010 the Board of Supervisors adopted Resolution Number 2010-090 entitled "A Resolution of the Board of Supervisors of the County of Riverside Declaring Its Intention to Modify the Boundaries of the Palm Springs Desert Resort Communities Tourism Business Improvement District to Include the City of Palm Desert Within the Boundaries of the District, Declaring Its Intention to Levy an Annual Assessment for Fiscal Year 2010 - 2011 on Certain Hotels and Motels Located Within the Boundaries of the District as Amended, and Setting the Time and Place of a Public Meeting and Public Hearing and Giving Notice of Same."

Section 5. A new subsection g. is added to Section 1. of Ordinance No. 883 to read as follows:
"g. At 9:00 a.m. on May 4, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public meeting concerning the intended modification of the Tourism BID boundaries and the intended levy of an annual assessment for fiscal year 2010-2011. At 9:30 a.m. on May 18, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public hearing concerning the intended modification of the Tourism BID boundaries to include the City of Palm Desert within the Tourism BID and the intended levy of the fiscal year 2010-2011 assessment. At the public meeting and the public hearing the Board of Supervisors heard the testimony of all interested persons for or against the intended Tourism BID boundary modification, the furnishing of specific types of activities, and the intended annual assessment levy. At the public hearing, the Board of Supervisors also heard, considered, and overruled all protests against the intended Tourism BID boundary modification, the furnishing of proposed activities, and the intended annual assessment levy. At the conclusion of the public hearing the Board of Supervisors determined that no majority protest existed."

Section 6. A new subsection h. is added to Section 1. of Ordinance No. 883 to read as follows:
"h. The Board of Supervisors finds that establishing a business improvement district to be commonly known as the Palm Springs Desert Resort Communities Tourism Business Improvement District ("Tourism BID") to promote tourism within the desert communities and to fund related programs will benefit the hotel and motel businesses within the desert communities. The hotel and motel businesses and property within

herein by reference. The Tourism BID and all Assessable Hotels and Assessable Motels within the boundaries of the Tourism BID shall be subject to the Act and all subsequent amendments thereto.

a. Advisory Board. Pursuant to the Act, the Board of Supervisors has appointed Hospitality Industry and Business Council, Inc. to serve as the Advisory Board for the Tourism BID to make recommendations concerning its operations and the expenditure of revenues derived from the levy of Assessments. The Hospitality Industry and Business Council, Inc. manages the Palm Springs Desert Resort Communities Convention and Visitors Authority subject to the approval of the Executive Committee of the Palm Springs Desert Resort Communities Convention and Visitors Authority. In addition, the Advisory Board shall have such other powers and be authorized to perform such other duties as the Board of Supervisors may from time to time determine and direct. The Advisory Board shall annually present a report to the Board of Supervisors for approval which shall include a program of activities intended to be implemented within the Tourism BID together with an estimate of related expenditures. The Advisory Board shall also submit an annual report to the Board of Supervisors outlining the previous years' revenues and how those revenues were expended."

Section 10. Subsection b. of Section 7. of Ordinance 883 is amended to read as follows:

"b. Time and Manner of Collection of Annual Assessments. Annual Assessments shall be collected by the County Treasurer-Tax Collector in four (4) installments. Each Operator of an Assessable Hotel or an Assessable Motel shall, on or before the last day of the month following each quarter, make a report to the County Treasurer-Tax Collector on return forms provided by the County reflecting the dollar amount of Assessment due for that quarter. The full amount of the Assessment shall be remitted to the County Treasurer-Tax Collector at the time that the return form is filed. The return form and payment of the full amount of the Assessment shall be due no later than the last day of the month following the close of each calendar quarter and shall become delinquent if not post-marked or received in the County Treasurer-Tax Collector's office on or before the last day of the month following the close of each calendar quarter. Nevertheless, returns and payments from the County Treasurer-Tax Collector shall be due immediately upon cessation of business for any reason. The County Treasurer-Tax Collector may establish shorter reporting or remitting periods if shorter periods are deemed reasonably necessary to insure proper collection of the Assessment from any Operator. In addition, the County Treasurer-Tax Collector may require Operators to provide such additional information in any return as is deemed reasonably necessary to enable proper collection of the Assessment.

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

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

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

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

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

The County Treasurer-Tax Collector shall establish an interest bearing trust fund for deposit of all Assessments collected pursuant to this ordinance. On a quarterly basis, the County Treasurer-Tax Collector may deduct monies from the trust fund to reimburse itself and other County departments for actual costs associated with the administration of the Tourism BID and this ordinance and for all direct and indirect costs of collection related activities and enforcement related activities, including court costs and attorneys' fees.

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

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

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

Section 13. Exhibit 1 of Ordinance 883 is amended in its entirety by replacing the Exhibit 1 attached to Ordinance 883 with the Exhibit 1 attached to this amendment.

Section 14. This ordinance shall take effect thirty (30) days after its adoption.

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held May 25, 2010, the foregoing Ordinance consisting of fourteen (14) sections was adopted by the Board by the following vote:

AYES: Buster, Tavaglione, Stone, Benoit, Ashley
NAYS: None
ABSENT: None

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

Published: 6/9/10

related programs will benefit the hotel and motel businesses within the desert communities. The hotel and motel businesses and property within the Tourism BID will be benefited by the activities to be funded by the assessments proposed to be levied. As businesses that benefit from tourist visits, hotels and motels may properly be assessed to promote tourism."

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

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

Section 8. Subsection c. of Section 5. of Ordinance 883 is amended to read as follows:

"c. Advisory Board. "Advisory Board" means Hospitality Industry and Business Council, Inc. (formerly known as the Hospitality Industry and Business Council of the Palm Springs Desert Resorts Convention and Visitors Authority). Hospitality Industry and Business Council, Inc. serves as the Advisory Board described in section 36530 of the Act and manages the Palm Springs Desert Resorts Convention and Visitors Authority subject to the approval of the Executive Committee of the Palm Springs Desert Resorts Convention and Visitors Authority."

Section 9. Section 6. of Ordinance 883 is amended to read as follows:

Section 6. ESTABLISHMENT OF TOURISM BID. The Palm Springs Desert Resort Communities Tourism Business Improvement District ("Tourism BID") is hereby established as a parking and business improvement area under the Act. The boundaries of the Tourism BID are coterminous with the operational boundaries of the Palm Springs Desert Resorts Convention and Visitors Authority, 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. A map and legal description of the boundaries are attached hereto as Exhibit 1 and incorporated

into the Tourism BID and this ordinance and for all direct and indirect costs of collection related activities and enforcement related activities, including but not limited to, court costs and attorneys' fees. On a quarterly basis, after first deducting such costs, the County Treasurer-Tax Collector shall transfer all remaining Assessment revenues and interest in the trust account to the Palm Springs Desert Resorts Convention and Visitors Authority which shall only expend the transferred Assessment revenues in accordance with the annual report approved and confirmed by the Board of Supervisors."

Section 11. Subsection c. of Section 7. of Ordinance 883 is amended to read as follows:

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

Upon such a determination, the County Treasurer-Tax Collector shall give notice of the Assessment amount by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the Operator at his last known address. Such Operator may within ten (10) calendar days after serving or mailing of such notice make application in writing to the County Treasurer-Tax Collector for a hearing on the Assessment. An Owner may only request a hearing related to the Assessment being levied on his particular Assessable Hotel or Assessable Motel. Class-action or representative claims for hearings are not authorized by this Ordinance.

If application by the Operator for a hearing is not made within the time prescribed, the Assessment, interest and penalties, if any, determined by the County Treasurer-Tax Collector shall become final and conclusive and immediately due and payable.

If application for a hearing is made, the County Treasurer-Tax Collector shall give not less than five (5) calendar days written notice to the Operator to show cause at a time and place fixed in said notice why the Assessment amount, interest, and penalties, if any, determined by the County Treasurer-Tax Collector should not be fixed as the amount to be assessed against the Operator.

At the hearing, the Operator may appear and offer evidence why the specified Assessment, interest, and penalties should not be levied. After the hearing, the County Treasurer-Tax Collector shall determine the amount of the Assessment, interest, and penalties, if any, that the Operator is required to remit pursuant to this ordinance. The County Treasurer-Tax Collector shall give notice of his or her decision by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the Operator at his last known address. The amount of the Assessment, interest, and penalties, as reflected in the County Treasurer-Tax Collector's written decision shall be payable fifteen (15) calendar days after personal service or mailing of the decision unless the Operator applies for an appeal to the Board of Supervisors. An Owner may only apply to the Board of Supervisors for an appeal related to the Assessment being levied on his particular Assessable Hotel or Assessable Motel. Class-action or representative requests for appeals to the Board of Supervisors are not authorized by this Ordinance.

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

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

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

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

ORDINANCE NO. 883.2

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

The Board of Supervisors of the County of Riverside ordains as follows:
Section 1. Subsection b. of Section 1. of Ordinance No. 883 is repealed in its entirety.
Section 2. Existing subsections c., d., and e. of Section 1. of Ordinance No. 883 are relettered subsections b., c., and d. respectively.
Section 3. A new subsection e. is added to Section 1. of Ordinance No. 883 to read as follows:
Section 4. A new subsection f. is added to Section 1. of Ordinance No. 883 to read as follows:
Section 5. A new subsection g. is added to Section 1. of Ordinance No. 883 to read as follows:
Section 6. A new subsection h. is added to Section 1. of Ordinance No. 883 to read as follows:
Section 7. A new subsection i. is added to Section 1. of Ordinance No. 883 to read as follows:
Section 8. Subsection c. of Section 5. of Ordinance 883 is amended to read as follows:
Section 9. Section 6. ESTABLISHMENT OF TOURISM BID. The Palm Springs Desert Resort Communities Tourism Business Improvement District ("Tourism BID") is hereby established as a parking and business improvement area under the Act.
Section 10. Subsection b. of Section 7. of Ordinance 883 is amended to read as follows:

under this ordinance is due to fraud, penalty of twenty-five percent (25%) of the amount of the corrected Assessment (as determined by the County Treasurer Tax Collector) shall be added thereto in addition to the penalties stated above.
In addition to the penalties imposed, any Operator of an Assessable Hotel or Assessable Motel who fails to pay any Assessment imposed by this ordinance shall pay interest at the rate of one percent (1%) per month, or fraction thereof, on the amount of Assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
The County may charge an administrative fee for the collection and processing of the Assessments in order to cover its reasonable costs for this service and may also fully recover all other reasonable, direct and indirect collection costs and enforcement costs, including but not limited to, court costs and attorneys' fees.
Section 11. Time and Manner of Appeal. If any Operator of an Assessable Hotel or Assessable Motel refuses or fails to file a timely return or to remit timely payment of an Assessment or any portion thereof, the County Treasurer-Tax Collector shall proceed in such manner as he or she deems best to obtain facts and information on which to base his or her estimate of an Assessment due.
Section 12. Refunds. Whenever the amount of any Assessment levied, interest, or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the County under this ordinance, it may be refunded or taken as a credit against Assessments collected as set forth here-in provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the County Treasurer-Tax Collector within three (3) years of the date of the payment.
Section 13. No refund shall be paid nor credit against Assessments provided unless the claimant establishes his or her right thereto by written records and argument showing entitlement thereto.
Section 14. This ordinance shall take effect thirty (30) days after its adoption.

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County held on May 25, 2010, the foregoing Ordinance consisting of fourteen (14) sections was adopted by said Board by the following vote:
AYES: Buster, Tavaglione, Stone, Benoit and Ashley
NAYS: None
ABSENT: None
Cecilia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
(951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

June 17, 2010

THE PRESS ENTERPRISE
ATTN: LEGALS
PO BOX 792
RIVERSIDE, CA 92501

FAX: (951) 368-9018
E-MAIL: legals@pe.com

RE: ADOPTION OF ORDINANCE NO. 883.2

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Sunday, June 20, 2010**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: PE Legals [legals@pe.com]
Sent: Thursday, June 17, 2010 9:40 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. NO. 883.2 (RE-PUBLISH)

Received for publication on June 20th. By the way, there was two documents attached, are the both exactly the same?

Thank You! ~Maria G. Tinajero ▪ The Press Enterprise Legal Adv. ▪ 1.800.880.0345 (Phone) ▪ 951.368.9018 (fax) ▪ Please Note: Deadline is 10:30 AM two (2) business days prior to the date you would like to publish.

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Thursday, June 17, 2010 9:14 AM
To: PE Legals; legals@thedesertsun.com
Subject: FOR PUBLICATION: ADOPTION OF ORD. NO. 883.2 (RE-PUBLISH)

Hello! Here's a "**Corrected**" version of Ord. No. 883.2 Amendment, which needs to be published on Sunday, June 20, 2010. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
(951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

June 17, 2010

THE DESERT SUN
ATTN: LEGALS
PO BOX 2734
PALM SPRINGS, CA 92263

FAX: (760) 778-4731
E-MAIL: legals@thedesertsun.com

RE: ADOPTION OF ORDINANCE NO. 883.2

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Sunday, June 20, 2010**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Moeller, Charlene [CMOELLER@palmspri.gannett.com]
Sent: Thursday, June 17, 2010 12:16 PM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. NO. 883.2 (RE-PUBLISH)

yes

Ad received and will publish on date(s) requested.

Charlene Moeller
Public Notice Customer Service Rep.
The Desert Sun Newspaper
750 N. Gene Autry Trail, Palm Springs, CA 92262
(760) 778-4578, Fax (760) 778-4731
Desert Sun legals@thedesertsun.com
& Desert Post Weekly dpwlegals@thedesertsun.com
The Coachella Valley's #1 Source in News & Advertising! Visit us at mydesert.com

NOTE: Starting on March 29th, there will be a \$10 affidavit processing fee added to the cost of each Public Notice

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Thursday, June 17, 2010 12:00 PM
To: tds-legals
Subject: FW: FOR PUBLICATION: ADOPTION OF ORD. NO. 883.2 (RE-PUBLISH)

Hi Charlene,

Did you get my response? So, are we good for Sunday, June 20 pub?

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.

From: Gil, Cecilia
Sent: Thursday, June 17, 2010 9:28 AM
To: 'Moeller, Charlene'
Subject: RE: FOR PUBLICATION: ADOPTION OF ORD. NO. 883.2 (RE-PUBLISH)

Oh....one has Sun's cover sheet (SUN-Corrected Ord. No. 883.2), while the other one has PE's cover sheet....that's the only difference, the cover sheet.

Cecilia Gil

Board Assistant to the

Legal Advertising Invoice

⑨ REMITTANCE ADDRESS
 POST OFFICE BOX 12009
 RIVERSIDE, CA 92502-2209
 FAX (951) 368-9026

① BILLING PERIOD 06/20/10 - 06/21/10
 ② BILLING DATE 06/21/10
 ⑩ ADVERTISING/CLIENT NAME BOARD OF SUPERVISORS
 FOR BILLING INFORMATION CALL (951) 368-9713
 ③ TOTAL AMOUNT DUE 1,450.80
 * UNAPPLIED AMOUNT ③

⑭ PAGE NO 1
 ⑮ TERMS OF PAYMENT Due Upon Receipt

⑥ BILLED ACCOUNT NAME AND ADDRESS
 BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE
 P.O. BOX 1147
 RIVERSIDE CA 92502

⑦ BILLED ACCOUNT NUMBER 045202
 REP NO LE04

Statement #: 56545912 Amount Paid \$ _____ Your Check # _____

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

⑫ DATE	⑬ REFERENCE	⑭ DESCRIPTION OTHER COMMENTS/CHARGES	⑮ S&T SIZE ⑯ BILLED UNITS	⑰ RATE	⑱ GROSS AMOUNT	⑲ NET AMOUNT
06/20	4199390 CO	ORDINANCE NO. 883.2 Class : 10 Ctext Ad# 10303228 Placed By : Cecilia Gil	1,116 L	1.30		1,450.80

EDA
3.27 of 05/25/10
(PE-Publish)

RECEIVED RIVERSIDE COUNTY
 CLERK / BOARD OF SUPERVISORS
 2010 JUN 28 PM 3:09

⑳ CURRENT NET AMOUNT DUE	㉑ 30 DAYS	㉒ 60 DAYS	㉓ OVER 90 DAYS	* UNAPPLIED AMOUNT	㉔ PLEASE PAY THIS AMOUNT
					1,450.80

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THE PRESS-ENTERPRISE

3450 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)**

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Ordinance No. 883.2

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

06-20-10

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Jun. 20, 2010
At: Riverside, California

BOARD OF SUPERVISORS

P.O. BOX 1147
COUNTY OF RIVERSIDE
RIVERSIDE CA 92502

Ad #: 10303228

PO #:

Agency #: _____

Ad Copy:

CORRECTED
BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
ORDINANCE NO. 883.2

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

- The Board of Supervisors of the County of Riverside ordains as follows:
- Section 1. Subsection b. of Section 1. of Ordinance No. 883 is repealed in its entirety.
- Section 2. Existing subsections c., d., and e. of Section 1. of Ordinance No. 883 are relettered subsections b., c., and d. respectively.
- Section 3. "b. Section b. of Section 1 of Ordinance No. 883 is amended to read as follows:
On September 30, 2008 the Board of Supervisors adopted Resolution Number 2008-442 entitled "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 (the "Tourism BID"), 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" (the "Resolution of Intent").
- Section 4. "e. A new subsection e. is added to Section 1. of Ordinance No. 883 to read as follows:
In February of 2010, the City of Palm Desert granted consent to the County of Riverside to include the City of Palm Desert within the boundaries of the Tourism BID.
- Section 5. "f. A new subsection f. is added to Section 1. of Ordinance No. 883 to read as follows:
"On March 16, 2010, the Board of Supervisors adopted Resolution Number 2010-090 entitled "A Resolution of the Board of Supervisors of the County of Riverside Declaring Its Intention to Modify the Boundaries of the Palm Springs Desert Resort Communities Tourism Business Improvement District to Include the City of Palm Desert Within the Boundaries of the District, Declaring Its Intention to Levy an Annual Assessment for Fiscal Year 2010 - 2011 on Certain Hotels and Motels Located Within the Boundaries of the District as Amended, and Setting the Time and Place of a Public Meeting and Public Hearing and Giving Notice of Same."
- Section 6. "g. A new subsection g. is added to Section 1. of Ordinance No. 883 to read as follows:
At 9:00 a.m. on May 4, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public meeting concerning the intended modification of the Tourism BID boundaries and the intended levy of an annual assessment for fiscal year 2010-2011. At 9:30 a.m. on May 18, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public hearing concerning the intended modification of the Tourism BID boundaries to include the City of Palm Desert within the Tourism BID and the intended levy of the fiscal year 2010-2011 assessment. At the public meeting and the public hearing, the Board of Supervisors heard the testimony of all interested persons for or against the intended Tourism BID boundary modification, the furnishing of specific types of activities, and the intended annual assessment levy. At the public hearing, the Board of Supervisors also heard, considered, and overruled all protests against the intended Tourism BID boundary modification, the furnishing of proposed activities, and the intended annual assessment levy. At the conclusion of the public hearing the Board of Supervisors determined that no majority protest existed."
- Section 7. "h. A new subsection h. is added to Section 1. of Ordinance No. 883 to read as follows:
The Board of Supervisors finds that establishing a business improvement district to be commonly known as the Palm Springs Desert Resort Communities Tourism Business Improvement District to promote tourism within the desert communities and to fund related programs will benefit the hotel and motel businesses within the desert communities. The hotel and motel businesses and property within the Tourism BID will be benefited by the activities to be funded by the assessments proposed to be levied. As businesses that benefit from tourist visits, hotels and motels may properly be assessed to promote tourism."
- Section 8. "i. A new subsection i. is added to Section 1. of Ordinance No. 883 to read as follows:
In 2008, pursuant to the Act, the Board of Supervisors appointed the Hospitality Industry and Business Council of the Palm Springs Desert Resort Communities Convention and Visitors Authority to serve as the advisory board for the Tourism BID. In 2010, the Hospitality Industry and Business Council incorporated as "Hospitality Industry and Business Council, Inc." Hospitality Industry and Business Council, Inc. continues to serve as the advisory board of the Tourism BID. In addition, Hospitality Industry and Business Council, Inc. continues to manage the Palm Springs Desert Resort Communities Convention and Visitors Authority."
- Section 9. "c. Subsection c. of Section 5. of Ordinance 883 is amended to read as follows:
Advisory Board. "Advisory Board" means Hospitality Industry and Business Council, Inc. (formerly known as the Hospitality Industry and Business Council of the Palm Springs Desert Resorts Convention and Visitors Authority)."
- Section 10. Section 6. of Ordinance 883 is amended to read as follows:
"Section 6. ESTABLISHMENT OF TOURISM BID. The Palm Springs Desert Resort Communities Tourism Business Improvement District is hereby established as a parking and business improvement area under the Act. The boundaries of the Tourism BID are coterminous with the operational boundaries of the Palm Springs Desert Resorts Convention and Visitors Authority, 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. A map and legal description of the boundaries are attached hereto as Exhibit 1 and incorporated herein by reference. The Tourism BID and all Assessable Hotels and Assessable Motels within the boundaries of the Tourism BID shall be subject to the Act and all subsequent amendments thereto.
- a. Advisory Board. Pursuant to the Act, the Board of Supervisors has appointed Hospitality Industry and Business Council, Inc. to serve as the Advisory Board for the Tourism BID to make recommendations concerning its operations and the expenditure of revenues derived from the levy of Assessments. The Hospitality Industry and Business Council, Inc. manages the Palm Springs Desert Resort Communities Convention and Visitors Authority subject to the approval of the Executive Committee of the Palm Springs Desert Resort Communities Convention and Visitors Authority. In addition, the Advisory Board shall have such other powers and be authorized to perform such other duties as the Board of Supervisors may from time to time determine and direct. The Advisory Board shall annually present a report to the Board of Supervisors for approval which shall include a program of activities intended to be implemented within the Tourism BID together with an estimate of related expenditures. The Advisory Board shall also submit an annual report to the Board of Supervisors outlining the previous years' revenues and how those revenues were expended."
- Section 11. "b. Subsection b. of Section 7. of Ordinance 883 is amended to read as follows:
Time and Manner of Collection of Annual Assessments. Annual Assessments shall be collected by the County Treasurer-Tax Collector in four (4) installments. Each Operator of an Assessable Hotel or an Assessable Motel shall, on or before the last day of the month following each quarter, make a report to the County Treasurer-Tax Collector on return forms provided by the County reflecting the dollar amount of Assessment due for that quarter. The full amount of the Assessment shall be remitted to the County Treasurer-Tax Collector at the time that the return form is filed. The return form and payment of the full amount of the Assessment shall be due no later than the last day of the month following the close of each calendar quarter and shall become delinquent if not post-marked or received in the County Treasurer-Tax Collector's office on or before the last day of the month following the close of each calendar quarter. Nevertheless, returns and payments from the Operator of any Assessable Hotel or Assessable Motel shall be due immediately upon cessation of business for any reason.
The County Treasurer-Tax Collector may establish shorter reporting or remitting periods if shorter periods are deemed reasonably necessary to insure proper collection of the Assessment from any Operator. In addition, the County Treasurer-Tax Collector may require Operators to provide such additional information in any return as is deemed reasonably necessary to enable proper collection of the Assessment.
Each return shall contain a declaration under penalty of perjury, executed by the Operator or its authorized agent, that, to the best of the declarant's knowledge, the statements in the return are true, correct, and complete.
Any Operator of an Assessable Hotel or Assessable Motel who fails to remit any Assessment imposed by this ordinance within the time required, shall pay a penalty of ten percent (10%) of the amount of the Assessment in addition to the amount of the original Assessment. Any Operator of an Assessable Hotel or Assessable Motel who fails to remit any delinquent remit-

tance on or before the fifteenth day of the month following the date of the first penalty shall pay a second delinquency penalty of ten percent (10%) of the amount of the Assessment in

5010 700 58 6M 3: 08

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LEPEIARO BIAF&MOTI CNHIT I

The Desert Sun

mydesert.com

750 N. Gene Autry Trail
 Palm Springs, CA 92262
 Billing Inquiries: (866) 875-0854
 Main Office: (760) 322-8889

ADVERTISING INVOICE/STATEMENT

Make Checks payable to DESERT SUN PUBLISHING CO.
 P.O. Box 677368 Dallas, TX 75267-7368
 A finance charge of 1.5% per month(18% Annually) will be
 added to balances not paid by the 20th.

135

RIV0690000037835320173470910829

RIVERSIDE COUNTY-BOARD OF SUP.
 PO BOX 1147
 RIVERSIDE CA 92502-1147

Customer No.	Invoice No.
RIV069	0003783532
For the Period	Thru
05/31/10	06/27/10
Due Date	Amount Due
07/12/10	17,347.09
AMOUNT PAID	

PLEASE RETURN THIS TOP SECTION WITH PAYMENT IN THE
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 ON REMITTANCE.

Date	EDT	Class	Description	Times Run	Col	Depth	Total Size	Rate	Amount
0531			BALANCE FORWARD						12,350.83
0529	CLS	0001	CECILIA NO 2330 NOTICE I	4	2	110.00	880.00		381.20
0530	CLS	0001	CECILIA NO 2339 / RES 20	2	4	10.00	80.00		939.60
0604	CLS	0001	SANDI NO 2420 BOARD OF	2	2	337.00	1348.00		575.42
0605	CLS	0001	SANDI NO 2446 NOTICE O	2	2	91.00	364.00		167.06
0609	CLS	0001	KIMBERLY NO 2507 BOARD OF	2	2	443.00	1772.00		751.38
0609	CLS	0001	KIMBERLY/CECNO 2508 NOTICE I	9	2	78.00	1404.00		274.96
0613	CLS	0001	CECILIA NO 2586 / GATE F	1	4	7.00	28.00		335.36
0616	CLS	0001	CECILIA NO 2668 BOARD OF	2	2	126.00	504.00		225.16
0620	CLS	0001	CECILIA NO 2738 BOARD OF	2	2	65.00	260.00		123.90
0620	CLS	0001	CECILIA NO 2739 CORRECTE	2	2	451.00	1804.00		764.66
0627	CLS	0001	CECILIA NO 2856 NOTICE O	2	2	266.00	1064.00		457.56
									<i>3.27 of 05/25/10</i>
Current		Over 30 Days	Over 60 Days	Over 90 Days	Over 120 Days	Total Due			
4,996.26		5,428.42	6,732.91	.00	189.50	17,347.09			
Contract Type	Contract Qnty.	Expiration Date	Current Usage	Total Used	Quantity Remaining	Salesperson			
						MOELLER			

The Advertiser shall make payment within 15 days of the billing date indicated on Company's statement, and, in the event that it fails to make payment within such time, Company may reject advertising copy and / or immediately cancel this contract and Advertiser agrees to indemnify Company for all expenses incurred in connection with the collection of amounts payable under this contract, including but not limited to collection fees, attorney's fees and court costs. If this agreement is cancelled due to Advertiser's failure to make timely payment, Company may rebill the Advertiser for the outstanding balance due at the open or earned contract rate, whichever is applicable.

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Customer Number	Name	Invoice Number	Amount Paid
RIV069	RIVERSIDE COUNTY-BOARD OF SUP.	0003783532	

The Desert Sun
750 N Gene Autry Trail
Palm Springs, CA 92262
760-778-4578 / Fax 760-778-4731

State Of California ss:
County of Riverside

Advertiser:

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST
RIVERSIDE CA 925013

2000211441

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

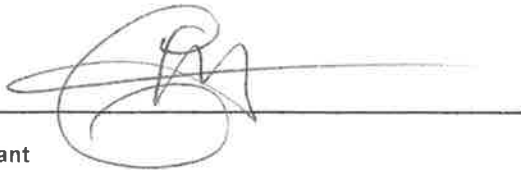
Newspaper: The Desert Sun

6/20/2010

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 20th day of June, 2010 in Palm Springs, California.

Declarant



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

ORDINANCE NO. 883.2

AN ORDINANCE OF THE COUNTY OF
RIVERSIDE AMENDING ORDINANCE
NO. 883 ESTABLISHING THE PALM
SPRINGS DESERT RESORT
COMMUNITIES TOURISM BUSINESS IM-
PROVEMENT DISTRICT AND LEVYING
AN ANNUAL ASSESSMENT THEREIN

The Board of Supervisors of the County of River-
side ordains as follows:

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

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

Section 3. Section b. of Section 1 of Ordinance No. 883 is amended to read as follows:
"b. On September 30, 2008 the Board of Supervisors adopted Resolution Number 2008-442 entitled "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 (the "Tourism BID"), 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" (the "Resolution of Intent")."

Section 4. A new subsection a. is added to Section 1. of Ordinance No. 883 to read as follows:
"a. In February of 2010, the City of Palm Desert granted consent to the County of Riverside to include the City of Palm Desert within the boundaries of the Tourism BID."

Section 5. A new subsection f. is added to Section 1. of Ordinance No. 883 to read as follows:
"f. On March 16, 2010, the Board of Supervisors adopted Resolution Number 2010-090 entitled "A Resolution of the Board of Supervisors of the County of Riverside Declaring Its Intention to Modify the Boundaries of the Palm Springs Desert Resort Communities Tourism Business Improvement District to Include the City of Palm Desert Within the Boundaries of the District, Declaring Its Intention to Levy an Annual Assessment for Fiscal Year 2010 - 2011 on Certain Hotels and Motels Located Within the Boundaries of the District as Amended, and Setting the Time and Place of a Public Meeting and Public Hearing and Giving Notice of Same."

Section 6. A new subsection g. is added to Section 1. of Ordinance No. 883 to read as follows:
"g. At 9:00 a.m. on May 4, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public meeting concerning the intended modification of the Tourism BID boundaries and the intended levy of an annual assessment for fiscal year 2010-2011. At 9:30 a.m. on May 18, 2010, in the Board Chambers on the first floor of the County Administrative Center at 4080 Lemon Street in Riverside, the Board of Supervisors held a public hearing concerning the intended modification of the Tourism BID boundaries to include the City of Palm Desert within the Tourism BID and the intended levy of the fiscal year 2010-2011 assessment. At the public meeting and the public hearing, the Board of Supervisors heard the testimony of all interested persons for or against the intended Tourism BID boundary modification, the furnishing of specific types of activities, and the intended annual assessment levy. At the public hearing, the Board of Supervisors also heard, considered, and overruled all protests against the intended Tourism BID boundary modification, the furnishing of proposed activities, and the intended annual assessment levy. At the conclusion of the public hearing the Board of Supervisors determined that no majority protest existed."

Section 7. A new subsection h. is added to Section 1. of Ordinance No. 883 to read as follows:
"h. The Board of Supervisors finds that establishing a business improvement district to be commonly known as the Palm Springs Desert Resort Communities Tourism Business Improvement District to promote tourism within the desert communities and to fund related programs will benefit the hotel and motel businesses within the desert communities. The hotel and motel businesses and property within the Tourism BID will be benefited by the activities to be funded by the assessments proposed to be levied. As businesses that benefit from tourist visits, hotels and motels may properly be assessed to promote tourism."

Section 8. A new subsection i. is added to Section 1. of Ordinance No. 883 to read as follows:
"i. In 2008, pursuant to the Act, the Board of Supervisors appointed the Hospitality Industry and Business Council of the Palm Springs Desert Resort Communities Convention and Visitors Authority to serve as the advisory board for the Tourism BID. In 2010, the Hospitality Industry and Business Council incorporated as "Hospitality Industry and Business Council, Inc." Hospitality Industry and Business Council, Inc. continues to serve as the advisory board of the Tourism BID. In addition, Hospitality Industry and Business Council, Inc. continues to manage the Palm Springs Desert Resort Communities Convention and Visitors Authority."

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

The County Treasurer-Tax Collector shall establish an interest bearing trust fund for deposit of all Assessments collected pursuant to this ordinance. On a quarterly basis, the County Treasurer-Tax Collector may deduct monies from the trust fund to reimburse itself and other County departments for actual costs associated with the administration of the Tourism BID and this ordinance and for all direct and indirect costs of collection related activities and enforcement related activities, including but not limited to, court costs and attorneys' fees. On a quarterly basis, after first deducting such costs, the County-Treasurer-Tax Collector shall transfer all remaining Assessment revenues and interest in the trust account to the Palm Springs Desert Resorts Convention and Visitors Authority which shall only expend the transferred Assessment revenues in accordance with the annual report approved and confirmed by the Board of Supervisors.

Section 13. Subsection e. of Section 7. of Ordinance 883 is amended to read as follows:

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

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

A guest of an Assessable Hotel or Assessable Motel may obtain a refund of an Assessment overpaid or paid more than once or erroneously or illegally collected or received by the County by filing a claim for a refund as described above, but only when the Assessment was paid directly to the County Treasurer-Tax Collector or when the guest, having paid the Assessment to the Operator, satisfactorily establishes that he or she has been unable to obtain a refund from the Operator who elected to pass on some or all of the Assessment to the guest. No refund shall be paid nor credit against Assessments provided unless the claimant establishes his or her right thereto by written records and argument showing entitlement thereto."

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

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

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on May 25, 2010, the foregoing Ordinance consisting of fourteen (14) sections was adopted by said Board by the following vote:

- AYES: Buster, Tavaglione, Stone, Benoit and Ashley
- NAYS: None
- ABSENT: None

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

Published: 6/20/10

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

"c. Time and Manner of Appeal. If any Operator of an Assessable Hotel or Assessable Motel refuses or fails to file a timely return or to remit timely payment of an Assessment or any portion thereof, the County Treasurer-Tax Collector shall proceed in such manner as he or she deems best to obtain facts and information on which to base his or her estimate of the Assessment due.

If the County Treasurer-Tax Collector determines that any Operator of an Assessable Hotel or Assessable Motel has not properly calculated the Assessment, properly filed a return, or properly paid the Assessment as required by this ordinance, the County Treasurer-Tax Collector shall procure such facts and information as he or she is able to obtain and shall estimate and determine the Assessment due from that Operator including any authorized interest and penalties.

Upon such a determination, the County Treasurer-Tax Collector shall give notice of the Assessment amount by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the Operator at his last known address. Such Operator may within ten (10) calendar days after serving or mailing of such notice make application in writing to the County Treasurer-Tax Collector for a hearing on the Assessment. An Owner may only request a hearing related to the Assessment being levied on his particular Assessable Hotel or Assessable Motel. Class-action or representative claims for hearings are not authorized by this ordinance.

If application by the Operator for a hearing is not made within the time prescribed, the Assessment, interest and penalties, if any, determined by the County Treasurer-Tax Collector shall become final and conclusive and immediately due and payable.

If application for a hearing is made, the County Treasurer-Tax Collector shall give not less than five (5) calendar days written notice to the Operator to show cause at a time and place fixed in said notice why the Assessment amount, interest, and penalties, if any, determined by the County Treasurer-Tax Collector should not be fixed as the amount to be assessed against the Operator.

At the hearing, the Operator may appear and offer evidence why the specified Assessment, interest, and penalties should not be levied. After the hearing, the County Treasurer-Tax Collector shall determine the amount of the Assessment, interest, and penalties, if any, that the Operator is required to remit pursuant to this ordinance. The County Treasurer-Tax Collector shall give notice of his or her decision by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the Operator at his last known address. The amount of the Assessment, interest, and penalties, as reflected in the County Treasurer-Tax Collector's written decision shall be payable fifteen (15) calendar days after personal service or mailing of the decision unless the Operator applies for an appeal to the Board of Supervisors. An Owner may only apply to the Board of Supervisors for an appeal related to the Assessment being levied on his particular Assessable Hotel or Assessable Motel. Class-action or representative requests for appeals to the Board of Supervisors are not authorized by this Ordinance.

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

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

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

"c. Advisory Board. 'Advisory Board' means Hospitality Industry and Business Council, Inc. (formerly known as the Hospitality Industry and Business Council of the Palm Springs Desert Resorts Convention and Visitors Authority)."

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

"Section 6. ESTABLISHMENT OF TOURISM BID. The Palm Springs Desert Resort Communities Tourism Business Improvement District is hereby established as a parking and business improvement area under the Act. The boundaries of the Tourism BID are coterminous with the operational boundaries of the Palm Springs Desert Resorts Convention and Visitors Authority, 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. A map and legal description of the boundaries are attached hereto as Exhibit 1 and incorporated herein by reference. The Tourism BID and all Assessable Hotels and Assessable Motels within the boundaries of the Tourism BID shall be subject to the Act and all subsequent amendments hereto.

a. Advisory Board. Pursuant to the Act, the Board of Supervisors has appointed Hospitality Industry and Business Council, Inc. to serve as the Advisory Board for the Tourism BID to make recommendations concerning its operations and the expenditure of revenues derived from the levy of Assessments. The Hospitality Industry and Business Council, Inc. manages the Palm Springs Desert Resort Communities Convention and Visitors Authority subject to the approval of the Executive Committee of the Palm Springs Desert Resort Communities Convention and Visitors Authority. In addition, the Advisory Board shall have such other powers and be authorized to perform such other duties as the Board of Supervisors may from time to time determine and direct. The Advisory Board shall annually present a report to the Board of Supervisors for approval which shall include a program of activities intended to be implemented within the Tourism BID together with an estimate of related expenditures. The Advisory Board shall also submit an annual report to the Board of Supervisors outlining the previous years' revenues and how those revenues were expended."

Section 11. Subsection b. of Section 7. of Ordinance 883 is amended to read as follows:

"b. Time and Manner of Collection of Annual Assessments. Annual Assessments shall be collected by the County Treasurer-Tax Collector in four (4) installments. Each Operator of an Assessable Hotel or an Assessable Motel shall, on or before the last day of the month following each quarter, make a report to the County Treasurer-Tax Collector on return forms provided by the County reflecting the dollar amount of Assessment due for that quarter. The full amount of the Assessment shall be remitted to the County Treasurer-Tax Collector at the time that the return form is filed. The return form and payment of the full amount of the Assessment shall be due no later than the last day of the month following the close of each calendar quarter and shall become delinquent if not post-marked or received in the County Treasurer-Tax Collector's office on or before the last day of the month following the close of each calendar quarter.

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

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

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

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

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

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

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