



CITY COUNCIL STAFF REPORT

DATE: June 21, 2017

PUBLIC HEARING

SUBJECT: RENEWAL OF THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT, PROPOSED RESOLUTION CONFIRMING THE REPORT OF THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND LEVYING THE FISCAL YEAR 2017-18 ASSESSMENT, AND THE CONDUCT PROTEST PROCEEDINGS TO THE DISTRICT

FROM: David H. Ready, City Manager

BY: Office of the City Clerk
Department of Finance and Treasury

SUMMARY

The Palm Springs Small Hotel Tourism Business Improvement District (TBID) was formed in November 2016. On June 7, 2017, the City Council adopted Resolution No. 24230, intention to renew the Palm Springs Small Hotel Tourism Business Improvement District, and setting the public hearing for June 21, 2017.

The City Council will conduct protest proceedings, consider renewing the TBID, and a resolution confirming the report of the TBID Advisory Board and levying the Fiscal Year 2017-18 assessment.

RECOMMENDATION:

1. Open the public hearing, receive public testimony, and written and oral protests to confirm the Report of the Palm Springs Tourism Small Hotel Business Improvement District Advisory Board and levying an assessment for Fiscal Year 2017-18.
2. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF THE PALM SPRINGS TOURISM SMALL HOTEL BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2017-18 IN CONNECTION WITH THE PALM SPRINGS TOURISM SMALL HOTEL BUSINESS IMPROVEMENT DISTRICT."

ITEM NO. 2.E.

STAFF ANALYSIS:

The Palm Springs Small Hotel Tourism Business Improvement District (TBID) was formed in November 2016. On June 7, 2017, the City Council adopted Resolution No. 24230, intention to renew the Palm Springs Small Hotel Tourism Business Improvement District, and setting the public hearing for June 21, 2017.

A TBID is a special benefit assessment district that was established by the City Council, under existing State law¹, for the specific purpose of funding activities that promote tourism. This mechanism is also in place on larger hotels with an assessment to fund the Greater Palm Springs CVB (GPSCVB). The renewal of this district would have no effect on the current GPSCVB assessment.

The law provides that business operators are assessed and pay the assessment to the City. Cities have utilized a percentage multiplied against daily hotel revenue as the formula for imposing the assessment. Further, this law provides cities have the express authority to make improvements and engage in business promotional activities that benefit the assessed businesses within the designated boundary area.

It is noted that the assessment is made against the business operator, and not against the property itself. Therefore, the assessment is legally treated by ordinance enactment as a debt owed by the business operator to the City. The City Attorney advises that Proposition 218 rules are not applicable because the assessment is not a tax on real property, and case law has clearly held that this enabling law (Streets and Highways Code sections 36500 et seq.) is not subject to Proposition 218 restrictions. (Howard Jarvis Taxpayers Assn. v. City of San Diego (1999) 72 Cal. App. 4th 230)

The renewal of the district is not by election of the business operators, but by majority protest procedure. After notice, any person subject to the proposed assessment may protest the renewal of the TBID. Each protest is weighted by the amount of the assessment to be paid. The TBID cannot be renewed if a majority of the affected businesses subject to the TBID, weighted by assessment, file a timely protest. Therefore, in order for a protest to be successful, businesses representing greater than 50% of the value of the total assessment to be collected must protest the formation of the district.

The TBID Advisory Board is recommending a 1% assessment on room revenue. The boundaries of the district would be citywide, but the assessments would be limited to hotels of 49 rooms or less.

The assessment would be collected by the City. The TBID Advisory Board is recommending the Palm Springs Bureau of Tourism (PSBOT) continue to administer the BID funds and promotional programs as a segregated and restricted fund.

¹ Parking and Business Improvement Area Law of 1989, Cal. Streets and Highways Code § 36500 et seq.

There are approximately 82 small hotels in Palm Springs with 49 rooms or less, and the small hotels believe they are at a marketing disadvantage because they do not have the same marketing infrastructure of larger, branded hotels. Most small hotels do not have international marketing budgets, global call centers, local and national sales forces, international reservation systems, global brand recognition, etc.

FISCAL IMPACT:

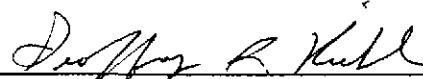
Based upon the current assessment information, the assessment will generate approximately \$335,000 per year, restricted funds, for the specific purpose of the TBID.

The City has incurred costs to establish the TBID, including mailing, hearings, notifications, related staff and research time. Additionally, each year the TBID will incur costs to annually renew the assessment. The TBID will require collection, distribution, audit, annual report preparation, and City Staff administration.

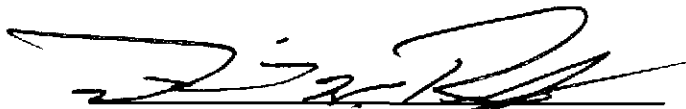
All administrative staff time and costs will be reimbursed from the proceeds of the assessment. The Director of Finance estimated the cost to process monthly assessment returns and payments is \$40,000 to \$60,000 per year. In addition to the collection of monthly assessment returns, annual administrative costs to prepare the notices and public hearings to renew the TBID each year will be approximately \$1,000 to \$2,000.



Kathleen D. Hart, MMC
Interim City Clerk



Geoffrey S. Kiehl
Directory of Finance and Treasurer



David H. Ready, Esq., Ph.D.
City Manager

Attachments:

- Proposed Resolution Levying the Assessment
- Advisory Board Report
- Public Hearing Notice and Resolution No. 24230

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALM SPRINGS, CALIFORNIA, CONFIRMING THE
REPORT OF THE ADVISORY COMMITTEE AND LEVYING
AN ASSESSMENT FOR FISCAL YEAR 2017-18 IN
CONNECTION WITH THE PALM SPRINGS TOURISM
SMALL HOTEL BUSINESS IMPROVEMENT DISTRICT

WHEREAS, Ordinance No. 1907 of the City of Palm Springs has established the Palm Springs Tourism Small Hotel Business Improvement District ("the District") pursuant to Streets and Highways Code sections 36500 et seq.; and

Whereas, the Palm Springs Tourism Small Hotel Business Improvement District Advisory Board serving as advisory board with respect to the District, prepared and filed with the City Clerk a report with regard to the District's activities and finances for fiscal year 2016-17; and

Whereas, the City Council has reviewed the advisory board's report, and declared its intention to levy an assessment against hotel and motel business of 49 rooms or less located within the District; and

Whereas, on June 21, 2017, the City Council held a noticed public hearing at which the testimony of all interested persons regarding the levy of the assessment for fiscal year 2017-18 were heard and considered.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, AS FOLLOWS:

SECTION 1. The true and correct recitals above are incorporated by this reference herein as the factual basis for this Resolution

SECTION 2. Following notice duly given pursuant to law, the City Council has held a full and fair public hearing regarding the levy and collection of an assessment within the District for fiscal year 2017-18. All interested persons were afforded the opportunity to hear and to be heard regarding protests and objections to the levy and collection of the assessment for fiscal year 2017-18. The City Council finds that there was no majority protest within the meaning of the law. All protests and objections to the levy and collection of the assessment and any and all protests and objections are hereby overruled by the City Council.

SECTION 3. The City Council hereby finally confirms the report of the Advisory Committee.

SECTION 4. The adoption of this Resolution constitutes the levy of the assessment for fiscal year 2017-18. The rate of the assessment for fiscal year 2017-18 is 1.00% (one percent) of each day's gross occupancy revenue as defined in the assessment district ordinance.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALM SPRINGS THIS 21st DAY OF JUNE, 2017.

DAVID H. READY, Esq., Ph.D.
CITY MANAGER

ATTEST:

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on the 21st day of June, 2017, by the following vote:

AYES:
NOES:
RECUSE:
ABSENT:
ABSTAIN:

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

**PALM SPRINGS SMALL HOTEL
TOURISM BUSINESS IMPROVEMENT DISTRICT
“TBID”
CITY OF PALM SPRINGS, CALIFORNIA**



**REPORT OF THE TBID ADVISORY BOARD
FISCAL YEAR 2017-18**

Introduction

The Advisory Board of the Palm Springs Small Hotel Business Improvement District (the "TBID"), has caused this report to be prepared pursuant to Section 36533 of the Parking and Business Improvement Law of 1989 (Section 36500 and following of the California Streets and Highways Code) (the "Law").

This report is for the TBID for Fiscal Year 2017-18, commencing July 1, 2017 and ending June 30, 2018.

As required by the Law, this report contains the following information:

- (1) Any proposed changes in the boundaries of the TBID or in any benefit zones within the TBID;
- (2) The improvements and activities to be provided for Fiscal Year 2016-2017;
- (3) An estimate of the cost of providing the improvements and the activities for that fiscal year;
- (4) The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for Fiscal Year 2017-2018.
- (5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year; and
- (6) The amount of any contributions to be made from sources other than assessments levied pursuant to the Law.

Submitted by: Michael Green, President, on behalf of the TBID Advisory Board to the Office of the City Clerk on May 31, 2017.

SECTION 1: Proposed changes in the boundaries of the TBID or in any benefit zones within the TBID.

The boundaries of the TBID are the City Limits of the City of Palm Springs. These boundaries will continue for Fiscal Year 2017-2018. There are no benefit zones within the TBID.

SECTION 2: The improvements and activities to be provided for Fiscal Year 2017-2018.

No improvements are proposed to be provided for Fiscal Year 2017-18. The activities listed in Exhibit 'A' to this Report are proposed to be provided annually. Not all of these activities may be provided during that Fiscal Year, though work may be done on any or all of the activities during the Fiscal Year.

SECTION 3: An estimate of the cost of providing the improvements and the activities for Fiscal Year 2017-2018.

The total cost of providing the activities is estimated to be \$405,000. The budget for providing the activities is set forth in Exhibit 'A' to this Report.

SECTION 4: The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for Fiscal Year 2017-2018.

Except where otherwise defined in this Report, all capitalized terms shall have the meanings set forth in the Palm Springs Municipal Code. Additionally, the following terms shall have the following meanings:

- A. "Gross Occupancy Revenue" means the total Rent received from Transients by a Hotel and Motel Business.
- B. "Hotel and Motel Business" means any Operator of a Hotel.
- C. "Transient Occupancy Tax" means the tax imposed by the City in the Municipal Code.

The Assessment will be levied against each Hotel and Motel Business in the City consisting of 49 rooms or less. No other business shall be subject to the Assessment.

The Assessment will be calculated as a percentage of each day's Gross Occupancy Revenue. The rate of the Assessment will be set annually by resolution of the City Council adopted pursuant to Section 36535 of the Law. For Fiscal Year 2017-2018 the rate is recommended to be one percent (1.0%).

The Assessment calculated based on each day's Gross Occupancy Revenues shall be paid to the City no later than the date on which the Hotel and Motel Business is required, pursuant to the Palm Springs Municipal Code, to remit to the City the Transient Occupancy Tax collected by the Hotel and Motel Business on that day.

New Hotel and Motel Businesses established in the District after the beginning of any fiscal year shall not be exempt from the levy of the assessment for that fiscal year but shall instead be subject to the assessment.

SECTION 5: The amount of any surplus or deficit revenues to be carried over from a previous fiscal year

It is projected that \$70,000 in TBID revenues will be carried over from Fiscal Year 2016-2017 to Fiscal Year 2017-2018 to fund activities of the TBID.

SECTION 6: The amount of any contributions to be made from sources other than assessments levied pursuant to the Law.

Assessment proceeds will be approximately \$335,000 for Fiscal Year 2017-2018. There are no contributions expected from other funding sources. Assessment proceeds will be spent only on activities authorized in the resolutions of the City Council of the City of Palm Springs establishing the TBID and/or levying the assessments. There are no other

Addendum "A"

Activities, Programs and Services To be Funded by Palm Springs Small Hotel TBID Fiscal Year 2017-2018	Projected Budget
Advertising & Direct Marketing	
Ad Media, PPC, Social Media	\$ 190,000
Ad Production	\$ 5,000
Agency fees	\$ 30,000
Photography	\$ 10,000
Print Collateral/Printing	\$ 7,500
Website development/Programming	\$ 20,000
Public Relations	
Fams and Missions	\$ 18,000
PR	\$ 24,000
Media monitoring/Hootsuite	\$ 12,650
Promotions and Events	
	\$ 10,000
Office supplies, Postage, Etc.	
	\$ 3,500
Research	
	\$ 10,000
Administration	
Costs collecting the Assessment as reimbursed to the City of Palm Springs.	\$ 50,000

Total \$ 390,650

Addendum "B"

Activities, Programs and Services of the Palm Springs Small Hotel TBID Fiscal Year 2016-2017	Projected Spending
Advertising & Direct Marketing	
Ad Media, PPC, Social Media	\$ 40,000
Ad Production	\$ 3,500
Agency fees	\$ 12,000
Photography	\$ 5,000
Print Collateral/Printing	\$ 5,000
Website development/Programming	\$ 18,000
Contract Writers	\$ 15,000
Public Relations	
Fams and Missions	\$ 25,000
PR	
Media monitoring/Hootsuite	\$ 1,380
Promotions and Events	
	\$ 25,000
Office supplies, Postage, Etc.	
	\$ 2,000
Research	
	\$ 10,000
Administration	
Costs of establishing the District and collecting the Assessment as reimbursed to the City of Palm Springs.	
Total Projected Spending 2016-2017	\$ 196,880

Activities, Programs and Services
of the
Palm Springs Small Hotel TBID
Fiscal Year 2016-2017

The advisory board of the Palm Springs Small Hotel TBID began meeting in late 2016 when the district was established. Since collections did not begin until January and no funds were available, the Board met regularly and accomplished a number of key tasks including establishing Board governance and protocols, by-laws, committee assignments and planning for future activities.

The Board also held a series of visioning sessions where members of the TBID participated to develop goals and objectives, as well as concepts and ideas to be used for branding, advertising and other activities to be undertaken on behalf of the district.

This planning time was very beneficial as it allowed the Board to begin the implementation of the programs as funds became available in January.

The following is a recap of key activities and initiatives developed and implemented by the district in fiscal year 2016-2017 broken down by budget category:

Advertising & Direct Marketing – \$98,500

The district engaged The Panoramic Agency to provide brand development, Ad media creative and content, logo, website design and content and to do market research including awareness and perception surveys. Panoramic is the same agency that the bureau of tourism uses so they are familiar with Palm Springs and we were able to get favorable pricing.

Through a number of meetings and with the information gathered from the surveys, a brand, “Palm Springs Preferred Small Hotels”, including brand tenets, keywords, value proposition, etc. and a logo.

A website *palmspringspreferredsmallhotels.com* was designed and launched using the new branding and messaging with content for all of the district members. The website uses the same database as *visitpalmsprings.com*, so the website will always be updated and include the latest information on the members and other activities in Palm Springs.

An ad-media agency, JNS, has been engaged and an ad-media placement calendar has been developed and creative design of ads for placement is underway.

Writers have been engaged to develop content for blogs and social media. We have begun developing photography specific to the district members and are using the PSBOT photo database for general Palm Springs photography.

Public Relations - \$26,380

The District is engaging a public relations firm to assist with content development and placement of key public relations assets. The development of a “roll-out” campaign is underway, targeted for July, which will highlight the members of the district and the value of choosing our member properties.

The roll-out will include press missions and familiarization trips for targeted media and industry partners to increase the awareness of our member properties. At least two missions and two media FAMs are anticipated.

The District has also engaged a clipping service to track media impressions related to our members.

Promotions & Events - \$25,000

The District implemented a promotional contest in order to drive responses to our online awareness and perception surveys, providing a weeklong vacation to Palm Springs.

The District is also planning to participate in targeted, regional events such as travel shows, wellness expos, etc. to increase visibility of our members.

Planning is also underway for the development of an event or events that will feature our member hotels focusing on key brand tenets such as architecture, wellness/spas, boutique stays, romantic getaways, etc.

Office Supplies, Postage, etc. - \$2,000

The District has had a minimum of administrative and supply costs due to the on-going support of the bureau of tourism.

Research - \$10,000

The District commissioned an on-line awareness and perception survey. The survey was sent using the bureau of tourism opt-in e-mail lists and was targeted to visitors to Palm Springs. The survey received over 3,000 responses giving excellent data for developing the branding and targeted marketing campaigns.

Administration - \$35,000

The costs of establishing the District and collecting the Assessment are reimbursed to the City of Palm Springs from Assessment proceeds.

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**



Date: June 21, 2017
Subject: Intent to Renew the Palm Springs Small Hotel Tourism BID

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, CMC, Interim Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on June 14, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "C.A. Berardi", is written over a horizontal line.

Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, CMC, Interim Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on June 8, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "C.A. Berardi", is written over a horizontal line.

Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, CMC, Interim Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on June 8, 2017, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (82 notices)

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "C.A. Berardi", is written over a horizontal line.

Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

**NOTICE OF PUBLIC HEARING
CITY COUNCIL**

**CITY OF PALM SPRINGS
INTENT TO RENEW THE PALM SPRINGS SMALL HOTEL
TOURISM BUSINESS IMPROVEMENT DISTRICT**

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its regular meeting of Wednesday, June 21, 2017. The City Council meeting begins at 6:00 p.m., in Primrose B, Palm Springs Convention Center, 277 N. Avenida Caballeros, Palm Springs, California 92262.

The purpose of the public hearing is to consider renewal of the Palm Springs Small Hotel Tourism Business Improvement District, to provide business promotional activities for hotels and motels in the City of Palm Springs of 49 rooms or less, and authorizing the levy of assessments on small hotels and motels of 49 rooms or less within the district boundaries, which are the city limits of the City of Palm Springs, pursuant to the Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Section 36500 et seq.

GEOGRAPHIC BOUNDARIES: The boundaries of the proposed Assessment District are the city limits of the City of Palm Springs, the assessment levied against small hotels and motels with 49 rooms or less in the City.

PROPOSED FISCAL YEAR 2017-18 ASSESSMENT: Small hotels and motels within the city limits would pay the assessment in the amount as outlined in City Council Resolution No. 24230, Resolution of Intent. No other business shall be subject to the assessment.

PROTEST PROCEDURES: Any interested party may protest the renewal of the Palm Springs Small Hotel Tourism Business Improvement District. Protest Procedures, as well as the content of any protest are outlined in City Council Resolution No. 24230, Resolution of Intent.

REVIEW OF INFORMATION: The staff report, proposed ordinance, and other supporting documents regarding this matter are available for public review at Palm Springs City Hall between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204, if you would like to schedule an appointment to review these documents.

COMMENT ON THIS PUBLIC HEARING: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing.

Written protests must be received at or before the time for the Public Hearing. Verbal protests at the Public Hearing will also be counted. A majority protest of the businesses

representing fifty percent (50%) or more of the total proposed assessments to be levied will defeat the renewal of the Palm Springs Small Hotel Tourism Business Improvement District.

Written comments can be made to the City Council by email at City.Clerk@palmspringsca.gov or by mail or hand delivery to:

Kathleen D. Hart, MMC
Interim City Clerk
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed in court may be limited to raising only those issues raised at the public hearing, described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. [Cal. Gov. Code Section 65009(b)(2)].

An opportunity will be given at said public hearing for all interested persons to be heard. Questions regarding the public hearing may be directed to Geoffrey S. Kiehl, Director of Finance and Treasurer, (760) 323-8221.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253 x 8742.



Kathleen D. Hart, MMC
Interim City Clerk

RESOLUTION NO. 24230

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE CITY'S INTENTION TO RENEW THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT TO LEVY ASSESSMENTS WITHIN THE DISTRICT AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

WHEREAS, the City of Palm Springs is a charter city organized and existing under the laws of the State of California (the "City"), and

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code sections 36500 *et seq.* (the "Act") authorizes the City to improve a specific business area and promote tourism within the area in question, and to impose assessments on businesses for those purposes, and

WHEREAS, on November 16, 2016 the City Council of the City adopted Ordinance 1903, adding Chapter 5.83 to the Palm Springs Municipal Code, and establishing the Palm Springs Small Hotel Tourism Business Improvement District (the "TBID"), and

WHEREAS, on June 7, 2017, the Council considered and approved an annual TBID report identifying activities planned for Fiscal Year 2017-18 and consistent with the requirements of the Act.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF PALM SPRINGS AS FOLLOWS:

- 1. The City Council hereby approves the recitals above as true and correct findings, incorporates those findings herein inclusive of all defined terms, and pursuant to the Act, declares its intention to levy and collect assessments within the TBID, a citywide district limited to hotels of 49 rooms or less, for Fiscal Year 2017-18.**
- 2. The programs funded by the TBID shall be for the promotion of the business activity of designated motel and hotels within the district. TBID activities shall include the promotion of tourism in the district, the promotion of public events that benefit motels and hotels operating in the district, the furnishing of music in any public place in the district, and activities that benefit hotel and motel businesses in the district, and possible physical improvements.**

3. **No changes are proposed as to the TBID's boundaries, which are co-extensive with the City limits of the City of Palm Springs, or as to the method and basis of levying assessments as established in Ordinance 1903 for Fiscal Year 2016-17, to wit, the assessment shall be at the rate of one percent (1%) of each day's daily gross revenue of room rents received by hotels and motels subject to the assessment for Fiscal Year 2017-18, from July 1, 2017, through June 30, 2018. New hotel and motel businesses established during Fiscal Year 2017-18 within the TBID shall not be exempt from the levy of the assessment.**

4. **All interested parties should refer to the annual report on file with the City Clerk of the City of Palm Springs, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, California 92262, prepared by the TBID Advisory Board, and presented to the City Council concurrent with this resolution, which report can also be found online at <http://www.palmspringsca.gov>, that contains a description of the improvements and activities to be provided for Fiscal Year 2017-18, the boundaries of the TBID, and the proposed assessments to be levied upon the businesses within and subject to assessments in the TBID for Fiscal Year 2017-18.**

5. **NOTICE IS HEREBY GIVEN that Wednesday, June 21, 2017, at the hour of 6:00 p.m. or as soon thereafter as the matter may be heard, in Primrose B at the Palm Springs Convention Center, 277 N. Avenieda Caballeros, Palm Springs, California, is fixed as the time and place for the public hearing on the levy of the proposed assessments for Fiscal Year 2017-18.**

At the aforesaid public hearing, the testimony of any and all interested persons for or against the levying of assessments for Fiscal Year 2017-18 or the furnishing of specified types of improvements or activities in Fiscal Year 2017-18 in the TBID shall be heard and considered by the City Council. Protests against the levying of assessments for Fiscal Year 2017-18, the extent of the area of the TBID, or the furnishing of specified types of improvements or activities may be made orally or in writing by any interested person. Each written protest must be filed with the City Clerk, 3200 E. Tahquitz Canyon Way, Palm Springs, California, at or before the time fixed for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the City as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner

of the business. A written protest inconsistent with this Resolution shall not be counted in determining a majority protest.

6. If written protests against the levying of assessments for Fiscal Year 2017-18 are received from the owners of businesses in the TBID which would pay fifty percent (50%) or more of the assessments proposed to be levied, and protests are not withdrawn so as to reduce the protest to less than fifty percent (50%), then no further proceedings to levy the proposed assessment may be taken by the City Council for a period of one (1) year. If the majority protest is against the furnishing of a specified type or types of improvement or activity within the TBID, then those types of improvements or activities shall be eliminated.
7. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. Written protests shall be filed with the City Clerk at or before the time fixed for the public hearing.
8. The City Clerk shall give notice of the public hearing pursuant to California Streets and Highways Code Section 36523 by causing the publishing of this Resolution of intention in a newspaper of general circulation in the City once, for at least seven days before the public hearing, and mailing of a complete copy of this Resolution by first-class mail to each business owner in the area of the TBID within seven days of the City Council's adoption of this Resolution.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALM SPRINGS THIS 7TH DAY OF JUNE, 2017.



DAVID H. READY, Esq., Ph.D.
CITY MANAGER

ATTEST:



KATHLEEN D. HART, MMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, hereby certify that Resolution No. 24230 is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on 7th day of June, 2017, by the following vote:

AYES: Councilmembers Kors, Roberts, Mayor Pro Tem Foat, and Mayor Moon
NOES: None
ABSENT: Councilmember Mills
ABSTAIN: None
RECUSED: None



KATHLEEN D. HART, MMC
INTERIM CITY CLERK