

RESOLUTION NO. 2004-191

A RESOLUTION OF THE LODI CITY COUNCIL
DECLARING ITS' INTENTION TO ESTABLISH THE LODI
TOURISM BUSINESS IMPROVEMENT DISTRICT
(LTBID) AND TO LEVY AND COLLECT ASSESSMENTS
WITHIN THE LTBID BOUNDARIES

WHEREAS, the Lodi Conference and Visitors Bureau is interested in establishing the Lodi Tourism Business Improvement District (LTBID) and levy an assessment on hotels with the LTBID; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to establish parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to establish such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

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

Section 2. The City Council declares its intention to establish the LTBID and to levy and collect assessments within the LTBID boundaries pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the LTBID shall be the city limits of the City of Lodi.

Section 3. The name of the district shall be the Lodi Tourism Business Improvement District.

Section 4. The LTBID proposes to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi.

Section 5. The proposed LTBID will include all hotels within the City of Lodi. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi based upon 3% of the gross Short Term Room Rental revenue beginning January 1, 2005. An assessment will be levied annually to pay for the improvements and activities within the area and will be collected quarterly based on 3% of the gross Short Term Room Rental revenues for the previous quarter. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531. Pursuant to the City of Lodi's transient occupancy tax ordinance, assessments pursuant to the LTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. As used in this Resolution, the phrase "Short Term Room Rental" shall mean occupancies that last less than 30 consecutive days.

Section 6. The LTBID proposed annual assessment in year one totals approximately \$156,000. The funds raised shall be spent on a Marketing Program, Administration and Personnel, and BID Development / Formation.

Section 7. The City of Lodi will collect the assessments quarterly from hotels within the City. The City of Lodi will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts. The City of Lodi will charge a 5% collection fee on amounts collected and will remit the net amount to the LTBID within 30 days after collections occur.

Section 8. The LTBID advisory board shall submit an annual report, which shall include a budget for operations and a detailed identification of the marketing efforts to be undertaken by the LTBID for the ensuing calendar year, to the Lodi City Council pursuant to Section 36533.

Section 9. The Lodi City Council shall appoint the Advisory Board as described in Section 36530.

Section 10. The time and place for the public hearing to establish the LTBID and the levy of the assessments is set for **October 6, 2004, at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 11. At the public hearing the testimony of all interested persons for or against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities will be heard.

Section 12. A protest against the LTBID, or any aspect of it, may be made in writing. To count in the majority protest against the LTBID, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Section 13. If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the LTBID that will pay fifty percent (50%) or more of the total assessments of the entire LTBID (Exhibit A), no further proceedings to create the LTBID shall occur. New proceedings to form the LTBID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests is only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBID.

Section 14. Further information regarding the proposed LTBID may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 15. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBID within seven (7) days of the adoption of this Resolution by the City Council.

Section 16. This Resolution is effective on its adoption.

Dated: September 15, 2004

=====

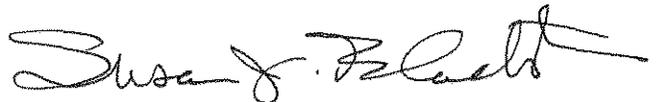
I hereby certify that Resolution No. 2004-191 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

EXHIBIT A

Number of Votes

Wine and Roses Country Inn Wine and Roses Country Inn, LLC Agent for Service of Process : Russel G Munson 2505 W Turner Rd Lodi, CA 95242 Phone: 209-334-6988 Bus Tax # : 2121	2472
Del Rancho Motel Ashvin R Patel 501 N Cherokee Ln Lodi, CA 95240 Phone: 209-368-5348 Bus Tax # : 10936	178
Holiday Inn Express Daryl Geweke PO Box 1210 (1140 S Cherokee Ln) Lodi, CA 95241 Phone: 209-334-6422 Bus Tax # : 568	3237
Star Hotel Jay K/Sangrita J Patel 22 S Main St Lodi, CA 95240 Phone: 209-368-3261, 209-368-4122 Bus Tax # : 3467	4
Budget Inn of Lodi Suresh B Patel 917 S Cherokee Ln Lodi, CA 95240 Phone: 209-369-1091 Bus Tax # : 495	165
Comfort Inn - Lodi KFP Management, Inc Agent for Service of Process : Kyu S Kim 118 N Cherokee Ln Lodi, CA 95240 Phone: 209-367-4848 Bus Tax # : 12851	1783
Lodi El Rancho Motel R & P Properties, Inc Agent for Service of Process : Ramesh Pitamber 220 Harding Bv (603 N Cherokee Ln)	510

EXHIBIT A

Roseville, CA 95678
Phone: 916-783-0961
Bus Tax # : 12126

Yadav & Assoc/Modern Motor Lodge
Sunil/Shobhana/Sushil/Sonal Yadav
1050 S Cherokee Ln
Lodi, CA 95240
Phone: 209-333-8844, 209-333-9812
Bus Tax # : 621

18

Wine Country Inn
Shobhana/Surendra F Patel
607 S Cherokee Ln
Lodi, CA 95240
Phone: 209-368-1152
Bus Tax # : 748

183

Rancho Grande Motel
Hasmukh M/Rita Bhakta
807 S Cherokee Ln
Lodi, CA 95240
Phone: 209-334-3303
Bus Tax # : 8627

55

Traveler's Motel
Ghanshyam A/Mita Patel
112 N School St
Lodi, CA 95240
Phone: 209-368-1518
Bus Tax # : 444

23

Viking Motel
Rakesh G/Smita Patel
815 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-6229
Bus Tax # : 6900

69

Royal Host Inn
Chetan H/Prakash J/Pradepkumar/Paresh J Patel
710 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-8484
Bus Tax # : 760

1169

Imperial Hotel
Mumraiez Ahmad
9 W Oak St
Lodi, CA 95240
Phone: 209-366-0964, 209-369-5744

8

EXHIBIT A

Bus Tax # : 391

Economy Inn
Hasmukh/Rita/Jayanti/Kalavati Bhakta
1100 S Cherokee Ln
Lodi, CA 95240
Phone: 209-368-3778
Bus Tax # : 8256

124

Main Hotel
Gurvant Bhatka
4 S Main St
Lodi, CA 95240
Phone: 209-334-6059
BusTax # : 1166

2

10000