

RESOLUTION NO. 2005-37

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING
ITS INTENTION TO AMEND ORDINANCE 1753, WHICH
ESTABLISHES THE LODI TOURISM BUSINESS IMPROVEMENT
DISTRICT (LTBID) AND METHOD OF LEVYING AND
COLLECTING ASSESSMENTS WITHIN THE LTBID
BOUNDARIES

WHEREAS, the Lodi City Council adopted a Resolution of Intention No. 2004-191 on September 15, 2004, declaring its intention to establish the Lodi Tourism Business Improvement District (LTBID) and to levy and collect assessments within the LTBID boundaries; and

WHEREAS, the Lodi City Council held a public hearing and introduced Ordinance 1753 to establish the LTBID and the levy of the assessments on October 6, 2004, at 7:00 p.m. at the Carnegie Forum, 305 West Pine Street, Lodi, California; and

WHEREAS, the Lodi City Council adopted Ordinance 1753 on October 20, 2004, which took effect on January 1, 2005; and

WHEREAS, Ordinance 1753 establishes that LTBID assessments are delinquent if not paid within twenty days after they are due; and

WHEREAS, Lodi Municipal Code Chapter 3.12, "Transient Occupancy Tax," establishes that Transient Occupancy Taxes are delinquent if not paid within one month after they are due; and

WHEREAS, it would be convenient for the assessment of both fees to be due at the same time; and

WHEREAS, the Lodi City Council now desires to amend Ordinance 1753, Section 12.07.130 as follows:

Section 12.07.130: Levy of Assessment--Collection, Delinquency, and Penalty.

The collection of the assessment imposed by this chapter shall be made on a quarterly basis from hotels within the City of Lodi. The City of Lodi will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts. Each operator shall, on or before the last day of each quarter, make a report to the Finance Director on forms provided by city of the amount of assessment due for that quarter. The report and amount become delinquent **twenty on the last day of the month following the close of each calendar quarter.** The full amount of the assessment calculated shall be remitted to the Finance Director at the time the return is filed. The Finance Director may establish shorter reporting or remitting periods for any operator and may require additional information in any return. Returns and payments are due immediately upon cessation of business for any reason. 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 who fails to remit any assessment imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the assessment in addition to the amount of the assessment. Any operator who fails to remit any delinquent remittance on or before the 15th day of the month following date of the first penalty shall pay a second delinquency penalty of ten percent of the amount of the assessment in addition to the amount of assessment and ten percent penalty first imposed.

If the Finance Director determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the assessment shall be added thereto in addition to the penalties stated above.

In addition to the penalties imposed, any operator who fails to remit any assessment imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of tax, 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 by this chapter.

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 amend Ordinance 1753, Section 12.07.130, relating to the Levy of Assessment—Collection, Delinquency, and Penalty, changing the delinquent time for the report and amount due from twenty days to the last day of the month following the close of each calendar quarter.

Section 3. The time and place for the public hearing to amend Ordinance No. 1753, Section 12.07.130, relating to the Levy of Assessment—Collection, Delinquency, and Penalty, is hereby set for **March 16, 2005, at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 4. At the public hearing the testimony of all interested persons for or against the amendment will be heard.

Section 5. A protest against the LTBID Ordinance amendment 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 6. If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the LT BID that will pay fifty percent (50%) or more of the total assessments of the entire LT BID (Exhibit A), no further proceedings to amend Ordinance 1753 as set forth herein shall occur. New proceedings to amend the LT BID 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.

Section 7. Further information regarding the proposed amendment to LT BID Ordinance 1753 may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 8. 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 assessed in the LT BID within seven (7) days of the adoption of this Resolution by the City Council.

Section 9. This Resolution is effective on its adoption.

Dated: February 16, 2005

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I hereby certify that Resolution No. 2005-37 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 16, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Beckman

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: 209-334-8422 Bus Tax # : 588	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 (803 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

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

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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/Pradeepkumar/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, 209-368-5744

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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

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

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