

RESOLUTION NO. 2008-229

A RESOLUTION OF THE LODI CITY COUNCIL  
DECLARING ITS INTENTION TO EXPAND THE  
LODI TOURISM BUSINESS IMPROVEMENT  
DISTRICT (LTBID)

---

WHEREAS, Visit Lodi, formerly known as Lodi Conference and Visitors Bureau, is interested in expanding the Lodi Tourism Business Improvement District (LTBID) to include hotels within the Service Area of CSA #31 "Flag City"; and

WHEREAS, the County of San Joaquin has consented to the expansion of the LTBID into Flag City: and

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

WHEREAS, businesses within the LTBID have requested the Lodi City Council to expand 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 expand the LTBID 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 expanded to include the service area of County Service Area #31 ("Flag City").

Section 3. 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 area as expanded.

Section 4. Except where funds are otherwise available, an assessment will be levied annually to pay for all improvements and activities in the area.

Section 5. The proposed LTBID will include all hotels within the City of Lodi and Flag City.

Section 6. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi and Flag City based upon 3% of the gross room rental revenue.

Section 7. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Streets and Highways Code 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.

Section 8. The LTBID proposed annual assessment (as expanded) in year one totals approximately \$270,000. The funds raised shall be spent on a Marketing Program, Administration & Personnel, and BID Development / Formation.

Section 9. 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 10. The time and place for the public meeting to expand the LTBID and the levy of the assessments is set for **December 17, 2008 at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 11. The time and place for the public hearing to expand the LTBID and the levy of the assessments is set for January 21, 2009 at 7:00 p.m., at the **Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 12. At the public hearing the testimony of all interested persons for or against the expansion of the area will be heard.

Section 13. A protest against the expansion of the LTBID, or any aspect of it, may be made in writing. To count in the majority protest against the LTBID expansion, 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 or the County of San Joaquin 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 14. If, at the conclusion of the public hearing, there are of record, written protests against the expansion 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, no further proceedings to expand the LTBID shall occur. New proceedings to expand 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 are only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBID.

Section 15. Further information regarding the proposed LTBID may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 16. 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 17. This Resolution is effective on its adoption.

Dated: November 19, 2008

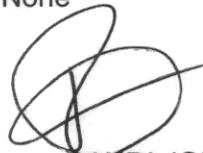
=====  
I hereby certify that Resolution No. 2008-229 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 19, 2008, by the following vote:

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

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL  
City Clerk