

**CITY COUNCIL RESOLUTION NO. 57-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND  
DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND  
ESTABLISHING THE RICHMOND TOURISM MARKETING DISTRICT**

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**WHEREAS**, the Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 et. seq.) authorizes the City to establish business improvement districts upon petition by a weighted majority of the lodging business owners located within the boundaries of the district; and

**WHEREAS**, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the Richmond Tourism Marketing District ("RTMD") have petitioned the City Council to establish the RTMD; and

**WHEREAS**, included with the petitions was a Management District Plan summary that describes the proposed assessment to be levied on lodging businesses within the RTMD to pay for sales promotion and marketing activities, and other improvements and activities set forth in the Management District Plan; and

**WHEREAS**, the assessed lodging businesses within the RTMD will be specifically benefited by the activities and improvements set forth in the Management District Plan; and

**WHEREAS**, on April 7, 2015 at 6:30 PM at the Community Services Building, 440 Civic Center Plaza, Richmond, CA 94804, the City Council adopted a Resolution of Intention, Resolution No. 30-15; and

**WHEREAS**, the public meeting and public hearing to consider the establishment of the RTMD have been properly noticed in accordance with Streets and Highways Code §36623; and

**WHEREAS**, on May 5, 2015 at 6:30 PM at the Community Services Building, 440 Civic Center Plaza, Richmond, CA 94804, the City Council held a public meeting regarding the establishment of the RTMD, and the City Council heard and received objections and protests, if any, to the establishment of the RTMD and the levy of the proposed assessment; and

**WHEREAS**, on June 2, 2015 at 6:30 PM at the Community Services Building, 440 Civic Center Plaza, Richmond, CA 94804, the City Council held a public hearing regarding the establishment of the RTMD, and the City Council heard and received all objections and protests, if any, to the establishment of the RTMD and the levy of the proposed assessment; and

**WHEREAS**, the City Clerk has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the proposed district which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHMOND AS FOLLOWS:**

Section 1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.

Section 2. The Richmond Tourism Marketing District is hereby established for a five (5) year term, beginning August 1, 2015 through July 31, 2020.

Section 3. The activities to be provided to benefit businesses in the district will be funded by the levy of the assessment. The revenue from the assessment levy shall not be used: to provide activities that directly benefit businesses outside the district; to provide activities or improvements outside the RTMD; or for any purpose other than the purposes specified in this Resolution, the Resolution of Intention, and the Management District Plan.

Section 4. The City Council finds as follows:

a) The activities funded by the assessment will provide a specific benefit to assessed businesses within the RTMD that is not provided to those not paying the assessment.

b) The assessment is a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

c) The assessment is a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.

d) Assessments imposed pursuant to the RTMD are levied solely upon the assessed business, and the business owner is solely responsible for payment of the assessment when due. If the owner chooses to collect any portion of the assessment from a transient, that portion shall be specifically called out and identified for the transient in any and all communications from the business owner as the "RTMD Assessment."

Section 5. The assessments levied for the RTMD shall be applied towards sales, promotions and marketing programs to market Richmond lodging businesses as tourist, meeting and event destinations, and other improvements and activities as set forth in the Management District Plan.

Section 6. Assessments levied on lodging businesses pursuant to this resolution shall be levied on the basis of benefit. Because the services provided are intended to increase room rentals, an assessment based on room rentals is the best measure of benefit.

Section 7. The assessments for the entire District will total approximately \$280,000 in year one.

Section 8. Bonds shall not be issued to fund the RTMD.

Section 9. The RTMD shall include all lodging business located within the boundaries of the City of Richmond. A boundary map is attached hereto and incorporated herein by reference.

Section 10. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the RTMD assessment is levied as long as they are used consistent with the requirements set forth herein.

Section 11. The assessments to fund the activities and improvements for the RTMD will be collected by the Richmond Convention and Visitors Bureau on a monthly basis, and in accordance with Streets and Highways Code §36631.

Section 12. The Richmond Convention and Visitors Bureau shall be the Owners' Association pursuant to Streets and Highways Code §36614.5.

Section 13. The Richmond Convention and Visitors Bureau, pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvement and activities described in the report. The first report shall be due after the first year of operation of the district.

Section 14. The RTMD established pursuant to this resolution will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).

Section 15. The City Clerk, or his or her designee, is directed to take all necessary actions to complete the establishment of the RTMD and to levy the assessments.

Section 16. This Resolution shall take effect immediately upon its adoption by the City Council.

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I CERTIFY that the foregoing resolution was adopted at a regular meeting of the City Council on June 2, 2015 by the following vote:

AYES: Councilmembers Bates, Beckles, Martinez, Pimplé, Vice Mayor Myrick, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember McLaughlin.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

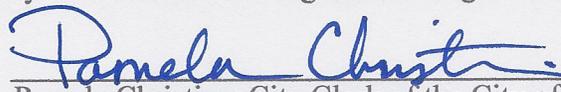
TOM BUTT  
Mayor

Approved as to form:

BRUCE GOODMILLER  
City Attorney

State of California            }  
County of Contra Costa        } : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 57-15**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 2, 2015.

  
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Pamela Christian, City Clerk of the City of Richmond

