

## **RESOLUTION NO. 2012-141**

Adopted by the Sacramento City Council

May 22, 2012

### **ESTABLISHING THE SACRAMENTO TOURISM MARKETING DISTRICT NO. 2012-07; CONFIRMING AND LEVYING AN ASSESSMENT, ORDERING PROGRAMS, SERVICES, AND IMPROVEMENTS TO BE PERFORMED IN THE DISTRICT**

#### **BACKGROUND**

- A. Lodging business owners within the boundaries of the Sacramento Tourism Marketing District have submitted petitions to the City of Sacramento to establish the Sacramento Tourism Marketing District 2012-07 (District). Included with the petitions was a summary of the Management District Plan (MDP) that describes the proposed assessment to be levied on businesses within the District to pay for the following activities and improvements: (1) Promotion of Sacramento lodging businesses; (2) Marketing efforts that include internet, social media, television ads, printed promotional materials, and others; (3) Increased Convention and trade show sales efforts as well as sales blitzes; (4) Creation of educational programs for the hospitality industry; (5) Targeted zone-specific marketing to support and enhance room night sales; and (6) Other activities directly related to increasing tourism and room night sales in Sacramento. All of these services are intended to promote the District as a destination for tourism, conventions, meetings, and events, and increase room night sales for the assessed lodging businesses. The MDP proposes to fund these services through the levy of an assessment on businesses within the District. The District MDP is on file with the Public Improvement Financing unit of the Department of Finance, designated by the City Clerk to be repository of documents associated with special districts.
- B. The law authorizes cities to establish business improvement districts including territory within a County upon said County's consent. The City has requested and received consent from the County of Sacramento to include territory within its jurisdiction in the proposed STMD.
- C. The business owners who signed the petitions will collectively pay more than 50% of the proposed assessment. On March 27, 2012, Council adopted Resolution No. 2012-076 entitled "Resolution of Intention to Establish the Sacramento Tourism Marketing District No. 2012-07." As part of Council's action, the dates and times of the public meeting and public hearing were identified as follows: May 1, 2012, at 6:00 pm and May 22, 2012, at 6:00 pm, with both events taking place in the City Council chambers, New City Hall, 915 "I" Street (first floor), Sacramento, California, respectively. The City Clerk was directed to provide notice to affected business owners in accordance with Streets and Highways Code Section 36623.

- D. Joint Public Meeting and Public Hearing notices were mailed to affected business owners in the proposed District on March 28, 2012.
- E. The City Clerk has filed with the City Council an affidavit confirming compliance with the legal requirement for mailing the joint notices. Relying on this affidavit, Council finds that a joint public meeting and public hearing notice was mailed to each business owner of identified parcels within the territory to be established, as ordered by Resolution No. 2012-076 and as required by law.
- F. On May 22, 2012, at the place set forth in the joint notice of public meeting and public hearing mailed to all business owners within the District to be established, Council held a public hearing on the proposed assessment. During the public hearing, Council (1) heard all protests against the proposed assessment from business owners within the District to be established; and (2) accepted testimony from all interested persons, whether or not they own businesses within the District to be established. Immediately after the public hearing concluded, the City Clerk determined that there was no majority protest against the establishment of the District.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. That the Background statements A through F are true and correct.
- Section 2. No majority protest having been made through the public hearing / majority protest proceedings, Council:
  - (a) Overrules all protests to the proposed assessment and these proceedings;
  - (b) Approves the MDP and proposal to levy an annual assessment on businesses within the District based on the assessment methodology set forth in the MDP;
  - (c) Orders the formation of the District generally described in the MDP, and depicted in the boundary map approved by Resolution No. 2012-076;
  - (d) Establishes an initial budget in year 1 of District operations of approximately \$5,200,000, as set forth in the MDP;
  - (e) Orders the programs, services, and improvements funded via assessments described in the MDP be provided to businesses within the established District; and
  - (f) Finds and determines that each business within the established District as shown on the attached District Boundary Map, has been assessed in proportion to the benefits and services the business will receive from the programs, services, and improvements, all as described in the MDP.
- Section 3. Businesses in the District will be subject to amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code Section 36600).

Section 4. Bonds will not be issued for the District.

Section 5. The City Manager or (designee) is directed to take all necessary actions to complete the establishment of the District and to levy the assessment.

Section 6. This resolution takes effect July 1, 2012.

Exhibits A, B, and C are part of this resolution.

**Table of Contents:**

Exhibit A: FY2012/13 District Budget

Exhibit B: District Boundary Map

Exhibit C: MDP

Adopted by the City of Sacramento City Council on May 22, 2012 by the following vote:

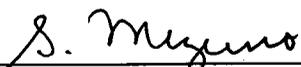
Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

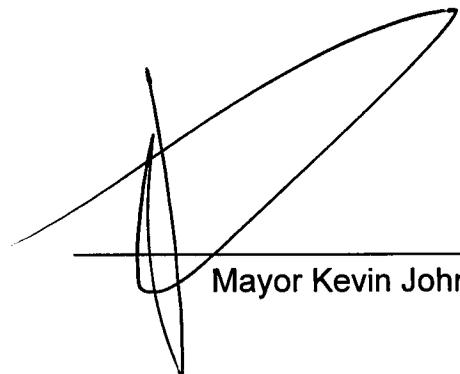
Noes: None.

Abstain: None.

Absent: None.

Attest:

  
Stephanie Mizuno, Assistant City Clerk

  
Mayor Kevin Johnson

## EXHIBIT A

### SACRAMENTO TOURISM MARKETING DISTRICT NO. 2012-07 DISTRICT BUDGET & ANNUAL ASSESSMENT FOR FISCAL YEAR (FY) 2012/13

**Total Assessment Budget** **\$5,200,000**

**Total Revenue:** **\$5,200,000**

**Expenses:**

Expense Category	Percentage of Revenue*	Amount
Sales and Marketing	87%	\$4,524,000
Zone Specific Targeted Marketing	10%	\$ 520,000
City and County Administration Costs	2%	\$ 104,000
Contingency	1%	\$ 52,000

**Total Expenses:** **\$5,200,000**

\*Revenue will fluctuate with market conditions but the proportional allocations will remain the same

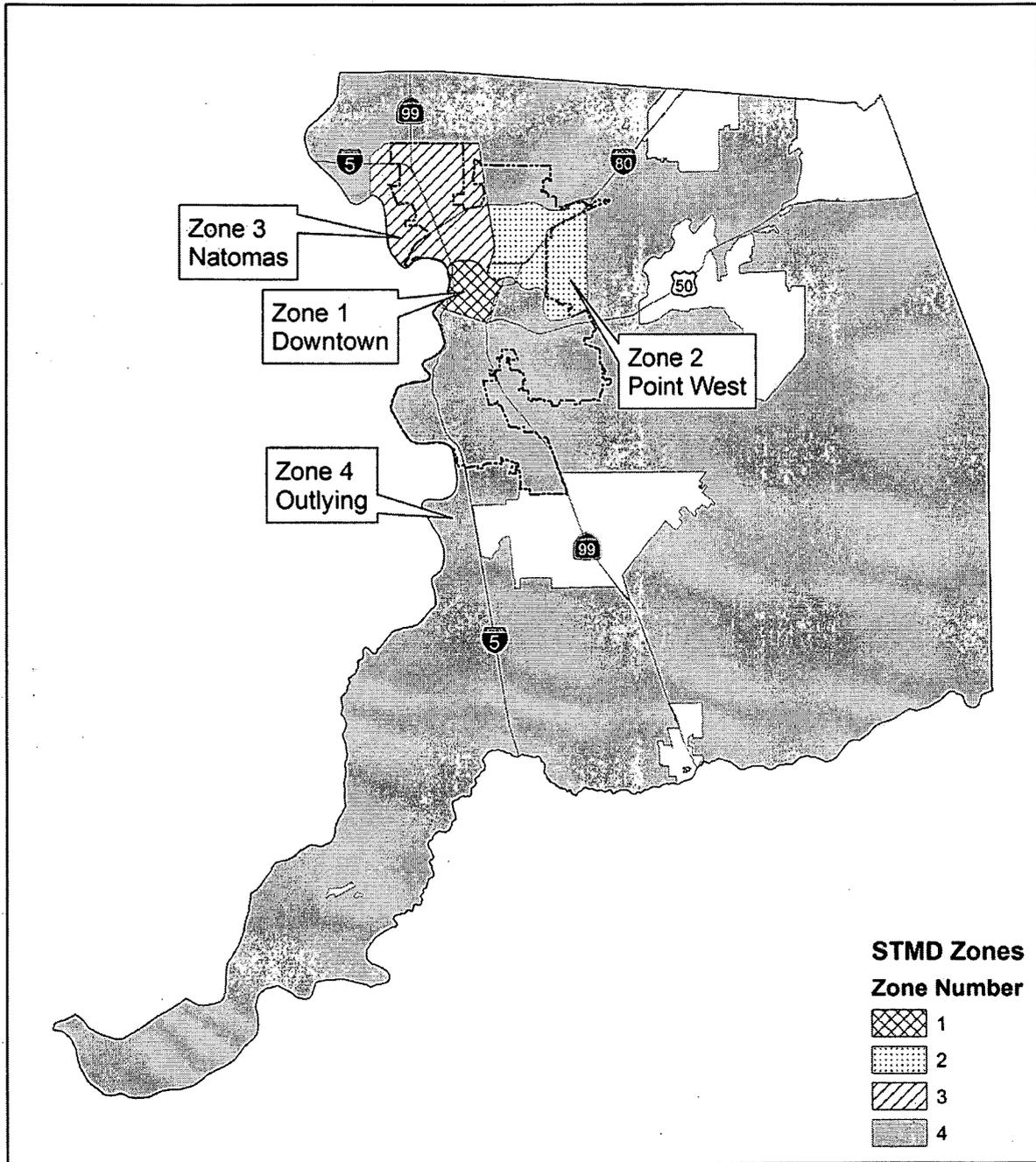
### ANNUAL ASSESSMENT

• Assessment Category	• Assessment Rate
Zone 1	(3%) of gross short-term (stays fewer than 31 days) room rental revenue
Zone 2	(2.5%) of gross short-term room rental revenue
Zone 3	(2%) of gross short-term room rental revenue
Zone 4	(1%) of gross short-term room rental revenue

Annual assessment rates are based on specific benefit to the assessed businesses and do not exceed the reasonable costs of providing the services or programs.

# EXHIBIT B

## Sacramento Tourism Marketing District Boundary Map



 6.I.S.  
City of  
Sacramento  
Department of Finance  
BMueller 03/02/12

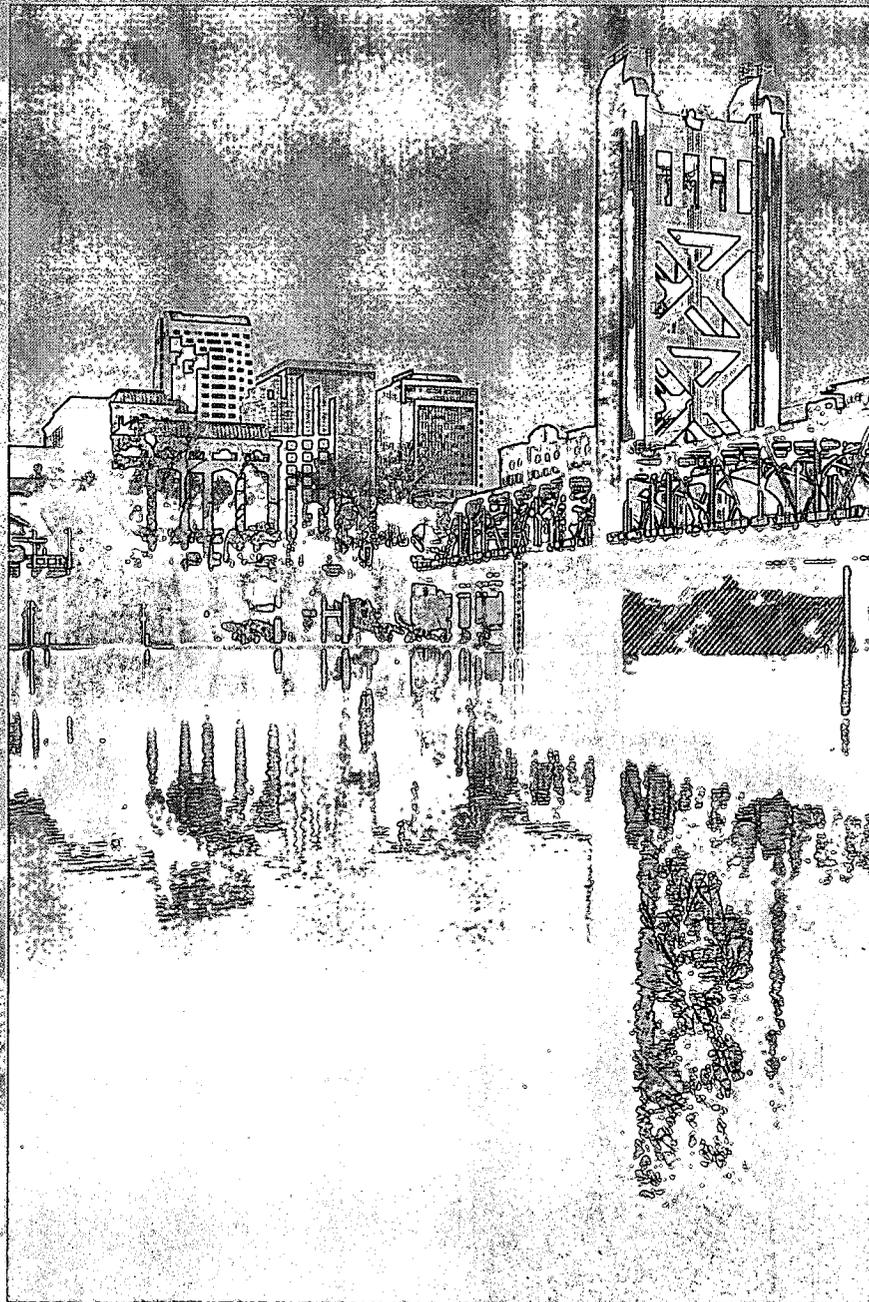
0 5 10 20 Miles



**EXHIBIT C**  
Management District Plan

# Sacramento Tourism Marketing District Management District Plan

*A modernization and replacement of the  
Sacramento Tourism Business Improvement District*



March 14, 2012

# SACRAMENTO TOURISM MARKETING DISTRICT MANAGEMENT DISTRICT PLAN

*A modernization and replacement of the  
Sacramento Tourism Business Improvement District*

## CONTENTS

I.	INTRODUCTION AND OVERVIEW.....	1
II.	WHAT IS A TOURISM MARKETING DISTRICT? .....	3
III.	BOUNDARY .....	4
	A. Description .....	4
	B. Map.....	5
IV.	SERVICE PLAN AND BUDGET .....	6
	A. Assessment .....	6
	B. Determination of Special and Specific Benefit.....	6
	C. Time and Manner for Collecting Assessments .....	7
	D. Deficiencies.....	7
	E. Penalties and Interest .....	8
	F. Service Plan Budget Summary .....	9
	G. Annual Service Plan .....	9
	H. Adjustments .....	11
	I. Termination .....	11
V.	STMD GOVERNANCE .....	12
	A. Owners' Association .....	12
	B. Committee Structure .....	12
	C. Brown Act and California Public Records Act Compliance .....	12
	D. Annual Report .....	13
	APPENDIX 1 – THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994 .....	14
	APPENDIX 2 – LODGING BUSINESSES TO BE ASSESSED WITHIN THE STMD .....	28



## I. INTRODUCTION AND OVERVIEW

Developed by the Sacramento Hotel Association (SHA), the Sacramento Tourism Marketing District (STMD) is a benefit assessment district proposed to help fund marketing and sales promotion efforts to provide specific benefits and exclusive privileges to Sacramento lodging businesses. The district is proposed to modernize and replace the existing Sacramento Tourism Business Improvement District. This approach has been used successfully in other destination areas throughout the region, state, and country to improve tourism and drive additional room night sales.

**Location:** The proposed STMD includes all lodging businesses, existing and in the future, available for public occupancy within the boundaries of the City of Sacramento and the unincorporated areas of the County of Sacramento.

**Services:** Marketing and sales promotions to specifically benefit assessed lodging businesses by increasing tourism and group business and to marketing Sacramento lodging businesses as tourist, meeting and event destinations to provide the specific benefit and exclusive privilege of additional hotel room night rentals.

**Budget:** The total STMD annual budget for each year of its five-year operation is anticipated to be approximately \$5,200,000.

**Assessment Rates:** Annual assessment rates are three percent (3%) of gross short-term (stays fewer than 31 days) room rental revenue on lodging businesses in Zone 1, two and one-half percent (2.5%) of gross short-term room rental revenue on lodging businesses in Zone 2, two percent (2%) of gross short-term room rental revenue on lodging businesses in Zone 3, and one percent (1%) of gross short-term room rental revenue on lodging businesses in Zone 4. Based on the benefit received, assessments shall not be collected on stays of more than thirty (30) consecutive days; nor on stays by airline crews pursuant to contracts executed prior to July 1, 2012 when those stays occur prior to January 1, 2014. Assessments shall be collected on room rental revenue resulting from stays by airline crews pursuant to contracts executed after July 1, 2012, and room rental revenue from all stays by airline crews occurring after January 1, 2014. Room rental revenue from stays that do not qualify for the airline crew or over thirty-day exemptions shall be subject to the assessment. Except for the two exemptions noted, the assessment shall apply to room rental revenue from all stays which are on a transient basis; a stay is considered to be on a transient basis until thirty (30) consecutive room night stays have elapsed.

**Formation:** STMD formation requires submittal of petitions from lodging businesses representing more than fifty percent (50%) of the total annual assessment collections followed by a City Council hearing, a Board of Supervisors hearing, and an opportunity for a written protest. The assessed lodging business owners will receive notice of the public hearing by mail. If there is a majority written protest, the STMD will not be formed.

**Duration:** The proposed STMD will have a five-year (5) life. The STMD assessment will be implemented beginning July 1, 2012. Once per year, beginning on the anniversary of

the formation of the district, there is a thirty-day (30) period in which owners paying more than fifty percent (50%) of the assessment may protest and terminate the district.

## II. WHAT IS A TOURISM MARKETING DISTRICT?

Tourism Marketing Districts (TMDs) utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TMDs allow lodging business owners to organize their efforts to increase room night sales. Lodging business owners within the district fund a TMD, and those funds are used to provide beneficial services that the businesses within the district desire.

### **Tourism Marketing District services may include, but are not limited to:**

- Marketing of the Destination
- Tourism Promotion Activities
- Sales Lead Generation

In California, Tourism Marketing Districts are formed pursuant to the Property and Business Improvement District Law of 1994 (PBID Law). This law allows for the creation of a special benefit assessment district to raise funds within a specific geographic area. *The key difference between TMDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

### **There are many benefits to Tourism Marketing Districts:**

- Funds cannot be diverted to government programs;
- TMDs are customized to fit the needs of each tourism district;
- TMDs allow for a wide range of services, including those listed above;
- TMDs are *designed, created and governed by those who will pay* the assessment; and
- They provide a stable funding source for tourism promotion.

The Sacramento Tourism Marketing District is intended to replace the existing Tourism Business Improvement District, which was created pursuant to the Parking and Business Improvement Area Law of 1989. The new district will be formed under the Property and Business Improvement District Law of 1994, a copy of which is provided in Appendix 1 of this document.

### **III. BOUNDARY**

#### **A. Description**

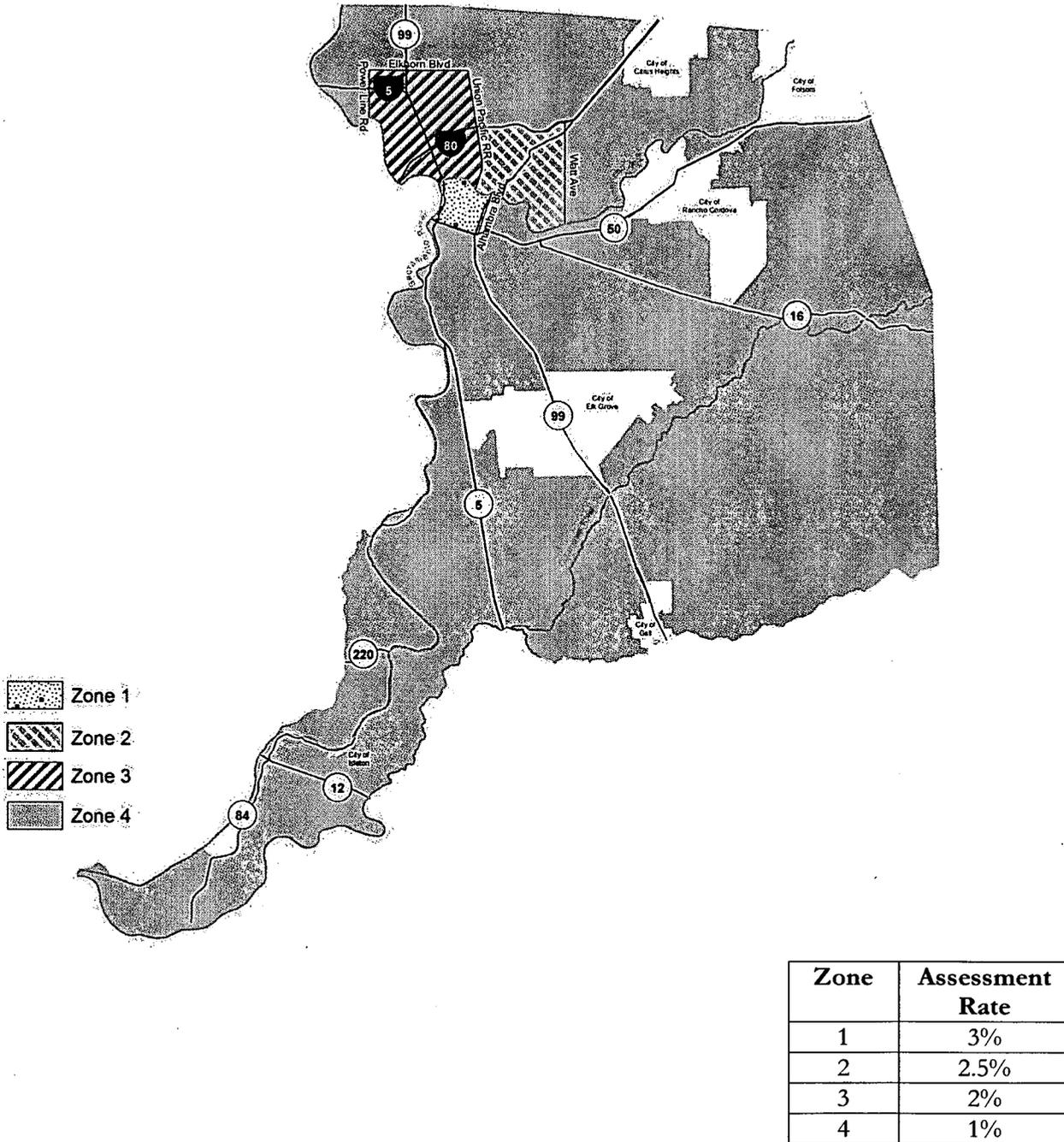
The STMD will include all lodging businesses, existing and in the future, available for public occupancy within the boundaries of the City of Sacramento and the unincorporated areas of the County of Sacramento.

The boundary currently includes 114 lodging businesses. A complete listing of lodging businesses within the proposed STMD can be found on Appendix 2 of this Plan.

The District is divided into four benefit zones, based on the special benefits and privileges granted to lodging businesses in each zone. The boundaries of each zone are:

- Zone 1:** Downtown: Starts with the Sacramento River before heading east on highway 50. On Alhambra Boulevard it turns and runs north until meeting the American River. From there it runs along the American River westwardly until the American River empties into the Sacramento River. From the Sacramento River it runs back down to the meeting of highway 50 and the Sacramento River.
- Zone 2:** Point West: The boundary starts from the meeting of the American River with Watt Avenue, to run north on Watt Avenue until it converges on Interstate 80. The boundary follows Interstate 80 in a westwardly direction until it crosses the Union Pacific Railroad (which is the third railroad intersection and approximately five miles from Interstate 80), where it turns onto the railroad and runs south until meeting with the American River. The boundary runs east on the American River until meeting back with Watt Avenue.
- Zone 3:** Natomas: Runs from the Sacramento River and Power Line Road intersection in a northwardly fashion along Power Line Road until turning on Elkhorn Blvd off of Power Line Road and heading East. Once Elkhorn Boulevard and Union Pacific Railroad intersect the boundary line heads south along the Union Pacific Railroad until meeting the American River. The boundary line then follows the American River westwardly until merging with the Sacramento River and heading north back to Power Line Road.
- Zone 4:** Outlying: The boundary for Zone 4 is everything in Sacramento County not already zoned, or incorporated, with the exception of Sacramento City.

**B. Map**



## **IV. SERVICE PLAN AND BUDGET**

### **A. Assessment**

Annual assessment rates are three percent (3%) of gross short-term (stays fewer than 31 days) room rental revenue on lodging businesses in Zone 1, two and one-half percent (2.5%) of gross short-term room rental revenue on lodging businesses in Zone 2, two percent (2%) of gross short-term room rental revenue on lodging businesses in Zone 3, and one percent (1%) of gross short-term room rental revenue on lodging businesses in Zone 4. Based on the benefit received, assessments shall not be collected on stays of more than thirty (30) consecutive days; nor on stays by airline crews pursuant to contracts executed prior to July 1, 2012, when those stays occur prior to January 1, 2014. Assessments shall be collected on room rental revenue resulting from stays by airline crews pursuant to contracts executed after July 1, 2012, and room rental revenue from all stays by airline crews occurring after January 1, 2014. Room rental revenue from stays that do not qualify for the airline crew or over thirty-day exemptions shall be subject to the assessment. Except for the two exemptions noted, the assessment shall apply to room rental revenue from all stays which are on a transient basis; a stay is considered to be on a transient basis until thirty (30) consecutive room night stays have elapsed.

The term “gross room rental revenue” as used herein means: the consideration charged whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever. Gross revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes. Any other charges shall be considered gross revenue only in accordance with the applicable transient occupancy tax procedures for the area.

Bonds shall not be issued.

The amount of assessment, if passed on to the guest, shall be disclosed in advance by the lodging business as the “Tourism Assessment” and shown on the guest folio and bill as “Tourism Assessment.”

### **B. Determination of Special and Specific Benefit**

State law requires that assessment funds be expended on a specific benefit conferred, or privilege granted, or service provided, directly to the payors that is not provided to those not charged, and which does not exceed the reasonable cost to the City of conferring the benefit.

The specific benefit the district will provide to assessed lodging businesses, and will not provide to those not charged, is incremental hotel room night sales. The programs and services described herein to be will be designed specifically to drive room night sales at assessed lodging businesses. Those programs and services will be an exclusive privilege granted only to assessed lodging businesses, and the services will be provided only to assessed lodging businesses. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from district-funded activities, be featured in advertising campaigns, be included in zone-micro marketing campaigns, and benefit from other

district-funded services. Those not assessed will not receive the privilege of being included in or receiving specific benefits from these and any other district-funded services.

Recipients of STMD funding shall be required to provide information useful to calculate the STMD's return on investment and ensure provision of the specific benefit of room night sales. Information required may include:

- Number of lodging business room nights generated – existing and incremental
- Average Daily Rate
- ROI as measured in STMD room night revenue
- Time of Year (peak, shoulder, low )
- Number of marketing impressions (included as supportive information only where applicable)

To ensure benefit to assessed lodging businesses, recipients of funding may be required to submit quarterly performance updates and a comprehensive annual performance report which includes the above required information along with information as to the methodology used to substantiate the ROI. Funded entities or programs may also have a cost allocation methodology which identifies how costs are apportioned between applicable funding sources proportionally to the benefit derived by STMD lodging businesses relative to any non-STMD lodging businesses as applicable.

The Sacramento Convention and Visitors Bureau (SCVB) may contract with an independent third-party to audit the results and to verify STMD room nights and ROI.

### **C. Time and Manner for Collecting Assessments**

The STMD assessment will be implemented beginning July 1, 2012, and will continue for five (5) years. The City of Sacramento and County of Sacramento will be responsible for collecting the assessment on a monthly basis (including any delinquencies, penalties and interest) from each lodging business located in the boundaries of the STMD. The City and County shall take all reasonable efforts to collect the assessments from each lodging business. The City and County shall forward the assessments to the SCVB.

### **D. Deficiencies**

1. When the city or the county makes a determination that an assessment is deficient as to the payment due, the applicable city or county may determine the amount of the deficiency. After giving notice that a deficiency determination is proposed and an opportunity to file a report or provide supplemental information is provided, the applicable city or county may make one or more deficiency determinations of the amount due for any reporting period based on information in the applicable city's or county's possession. When the operation of a lodging business is discontinued, a deficiency determination may be made at any time thereafter as to liability arising out of the operation of that lodging business.
2. The applicable city or county shall give notice of the proposed deficiency determination and the notice of deficiency determination by mailing a copy of the deficiency to the operator of the business at the current address for that business on file with the applicable city or county. The applicable city or county shall also give notice of the proposed deficiency

determination and the notice of deficiency determination by mailing a copy of the deficiency to the revenue manager of the city of Sacramento, the designated authority for collection deficiencies for the district. The giving of notice is complete at the time of deposit in the United States mail with postage fully prepaid thereon. In lieu of mailing, a notice may be served personally by delivering it to the person or operator to be served.

3. The operator of a hotel against which a deficiency determination is made may petition the revenue manager of the City of Sacramento for redetermination within thirty (30) days after the serving of the notice of deficiency determination. If a petition is not filed within thirty (30) days, the deficiency determination shall become final.
4. A petition for redetermination shall be in writing, state the specific grounds upon which it is based, and be supported by applicable records and declarations under penalty of perjury that the information supporting the petition is accurate and complete. If a petition for redetermination is duly filed, the revenue manager of the City of Sacramento shall reconsider the deficiency determination and may grant a hearing thereon. The revenue manager of the City of Sacramento shall, as soon as practicable, make an order on redetermination, which shall become final thirty (30) days after service of notice of the order of redetermination upon the petitioner. The notice of order or re-determination shall be served in the same manner as the notice of the original deficiency determination.
5. If any amount required to be paid pursuant to a deficiency determination or re-determination is not paid within the time specified in the notice, the revenue manager of the City of Sacramento may, following consultation with the applicable city or the county in which the deficiency occurred, within three (3) years thereafter, may either authorize the County to file or file in the superior court in the County of Sacramento a legal action for the collection of the deficiency.

**E. Penalties and Interest**

1. Original Delinquency. Any business which fails to remit the assessment amount within the time required shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment.
2. Continued Delinquency. Any business which fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the assessment in addition to the amount of the assessment and the ten percent (10%) penalty first imposed.
3. Fraud. If the City or County determines that the nonpayment of any remittance due is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties and stated above.
4. Interest. In addition to the penalties imposed, any business which fails to remit any assessment shall pay interest at the rate of six percent (6%) per year simple interest or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

5. Penalties Merged with Assessment. Every penalty imposed and such interest as accrues under this section shall become a part of the assessment required to be paid.
6. Collection Authority. The Revenue Manager of the City shall have the authority to authorize the County to proceed with actions to collect delinquent assessments, penalties, and interest from lodging businesses within the unincorporated areas of the County.
7. Retention of Penalties and Interest. The collecting City or County shall retain penalties and interest collected to cover the costs of collection enforcement for delinquent assessments.

**F. Service Plan Budget Summary**

A summary of the annual service plan budget for the STMD is provided on the following pages. The total five-year improvement and service plan budget is projected at approximately \$5,200,000 annually, or \$26,000,000 through May 31, 2017.

**G. Annual Service Plan**

A service plan budget has been developed to deliver services to lodging businesses throughout the District.

<b>Category</b>	<b>%</b>	<b>\$</b>
Sales and Marketing	87%	\$4,524,000.00
Zone Micro-Marketing	10%	\$520,000.00
City & County Collection Costs	2%	\$104,000.00
Contingency/Renewal	1%	\$52,000.00
<b>Total Annual Budget</b>	<b>100%</b>	<b>\$5,200,000.00</b>

**Sales and Marketing**

A sales and marketing program will promote Sacramento lodging businesses as tourist, event, and meeting destinations. The programs are an exclusive privilege which will be enjoyed by assessed lodging businesses and provide a direct specific benefit to the assessed businesses, incremental room night sales. The sales and marketing program will have a central theme of promoting Sacramento as a desirable place to visit overnight, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize Internet presence;
- Print ads in magazines and newspapers targeted at potential visitors;
- Television ads targeted at potential visitors;
- Radio ads targeted at potential visitors;
- Attendance at trade shows;
- Sales blitzes;
- Familiarization tours;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps;
- Attendance at professional industry conferences and affiliation events;

- Lead generation activities designed to attract tourists and group events to Sacramento;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts;
- Education of hospitality staff on service and safety (related to alcohol and food) designed to create a visitor experience that will bring repeat visits; and
- Education of lodging business management and the owners' association on marketing strategies best suited to meet Sacramento's needs.

### **Zone Micro-Marketing**

Ten percent (10%) of the budget, approximately \$520,000, shall be dedicated to individual zones for zone-specific tourism improvement activities as described below.

The zone marketing funds will be utilized for local zone activities that promote, support and enhance zone-based tourism marketing efforts. Each zone shall receive ten percent (10%) of the amount collected within the zone to fund eligible programs and activities. These programs are an exclusive privilege and shall provide a direct specific benefit to assessed businesses in the Zone, incremental room night sales.

Individual zone marketing funding is designed to support zone-based activities that promote, support and enhance room night sales, including but not limited to:

- Internet marketing efforts to increase awareness and optimize Internet presence;
- Print ads in magazines and newspapers targeted at potential visitors;
- Television ads targeted at potential visitors;
- Radio ads targeted at potential visitors;
- Attendance at trade shows;
- Sales blitzes;
- Familiarization tours;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps;
- Attendance at professional industry conferences and affiliation events;
- Lead generation activities designed to attract tourists and group events to Sacramento;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts;
- Education of hospitality staff on service and safety (related to alcohol and food) designed to create a visitor experience that will bring repeat visits; and
- Education of lodging business management and the owners' association on marketing strategies best suited to meet Sacramento's needs.

### **City and County Administration Costs**

The City of Sacramento and County of Sacramento shall each be paid two percent (2%) of the amount of assessment collected in their respective jurisdictions to cover their costs of collection and administration.

### **Contingency/Renewal**

A prudent portion of the budget will be set aside in a contingency fund, to be used for unforeseeable costs in carrying out the sales and marketing programs. If at the expiration of the district there are contingency funds remaining, and business owners wish to renew the district, the remaining contingency funds may be used for renewal costs.

### **H. Adjustments**

The City-approved marketing plan shall remain consistent with the budget herein. Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the Committee shall have the authority to adjust budget allocations between categories by no more than fifteen percent (15%) of the total budget per year; however, the zone-marketing budgeting may only be increased and may not be decreased.

### **I. Termination**

If there are funds remaining at the end of the District term and lodging businesses choose to renew, the remaining funds could be transferred to the renewed District. If there are funds remaining at the end of the District and lodging businesses choose not to renew, any remaining funds will be spent consistent with this Plan or returned to assessed businesses in equal proportions to the assessment paid by each business.

## **V. STMD GOVERNANCE**

### **A. Owners' Association**

The City Council, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the Sacramento Tourism Marketing District as defined in Streets and Highways Code §36614.5. The Sacramento Convention and Visitors Bureau will serve as the Owners' Association for the STMD. The SCVB shall create a tourism district committee that shall manage district funds and activities.

### **B. Committee Structure**

The SCVB shall create a Tourism District Committee that will be charged with preparing and approving the budget for STMD funds and programs. The committee will be created and operated in accordance with the following guidelines.

1. The Tourism District Committee shall have seven (7) members. All committee members shall be representatives of assessed lodging businesses. Three (3) members shall be representatives of Zone 1 lodging businesses, two (2) shall be representatives of Zone 2 lodging businesses, one (1) shall be a representative of a Zone 3 lodging business, and one (1) shall be a representative of a Zone 4 lodging business.
2. The initial Tourism District Committee members shall serve for two (2) or three (3) year terms. At the initial meeting of the committee, members shall draw lots to determine their individual terms. Three (3) of the original members shall serve two-year terms, the remaining four (4) members shall serve three-year terms. Thereafter, all committee members shall serve three-year terms.
3. Tourism District Committee members may serve two (2) consecutive three-year terms plus one (1) partial-term (less than three [3] years) if selected to fill a mid-term vacancy. No committee member who has served two (2) full consecutive three-year (3) terms shall be eligible for reappointment until one year has intervened from the date of retirement from the committee. Each committee member shall serve until expiration of the term for which appointed and until a successor has been appointed.
4. Tourism District Committee members, including those selected to fill vacancies, shall be selected by the Sacramento Hotel Association's Board of Directors. Committee members shall be hotel owners, general managers, or their authorized representatives. The committee shall select a Chairperson, Vice Chairperson, and such other committee officers as the committee shall deem necessary.
5. No fewer than fifty percent (50%) of the SCVB's Executive Committee shall be representatives of lodging businesses paying the STMD assessment.
6. All members of the Tourism District Committee shall be members of the SCVB Board of Directors.

### **C. Brown Act and California Public Records Act Compliance**

The Owners' Association is subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act, designed to promote public

accountability. The owners' association of a TMD is considered a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the Committee, and the Sacramento Convention and Visitors Bureau Board to the extent they specifically discuss tourism district business, must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping requirements of the California Public Records Act.

**D. Annual Report**

The committee shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 1).

## **APPENDIX 1 – THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994**

### **PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994 STREETS AND HIGHWAYS CODE Division 18. Parking**

\*\*\* This document is current through the 2012 Supplement \*\*\*  
(All 2011 legislation)

#### **§ 36600. Citation of part**

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

#### **§ 36601. Legislative findings and declarations**

The Legislature finds and declares all of the following:

(a) Businesses located and operating within the business districts of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of the business districts of its cities in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow cities to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that benefits from those improvements.

(d) Assessments levied for the purpose of providing improvements and promoting activities that benefit real property or businesses are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the real property or businesses for which the improvements and activities are provided.

#### **§ 36602. Purpose of part**

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within a business improvement area. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

**§ 36603. Preemption of authority or charter city to adopt ordinances levying assessments**

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

**§ 36603.5. Part prevails over conflicting provisions**

Any provision in this part that conflicts with any other provision of law shall prevail over the other provision of law.

**§ 36604. Severability**

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

**§ 36605. [Section repealed 2001.]**

**§ 36606. "Assessment"**

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the properties or businesses located within a property and business improvement district.

**§ 36607. "Business"**

"Business" means all types of businesses and includes financial institutions and professions.

**§ 36608. "City"**

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with *Section 6500*) of *Chapter 5 of Division 7 of Title 1 of the Government Code*, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

**§ 36609. "City council"**

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

**§ 36610. "Improvement"**

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the area.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

**§ 36611. "Property and business improvement district"; "District"**

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

**§ 36612. "Property"**

"Property" means real property situated within a district.

**§ 36613. "Activities"**

"Activities" means, but is not limited to, all of the following:

- (a) Promotion of public events which benefit businesses or real property in the district.
- (b) Furnishing of music in any public place within the district.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.

(f) Activities which benefit businesses and real property located in the district.

**§ 36614. "Management district plan"; "Plan"**

"Management district plan" or "plan" means a proposal as defined in Section 36622.

**§ 36614.5. "Owners' association"**

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement activities and improvements specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with *Section 54950*) of *Part 1 of Division 2 of Title 5 of the Government Code*), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with *Section 6250*) of *Division 7 of Title 1 of the Government Code*), for all documents relating to activities of the district.

**§ 36615. "Property owner"; "Business owner"; "Owner"**

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

**§ 36616. "Tenant"**

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

**§ 36617. Alternate method of financing certain improvements and activities; Effect on other provisions**

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business

Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

### **§ 36620. Establishment of property and business improvement district**

A property and business improvement district may be established as provided in this chapter.

### **§ 36620.5. Requirement of consent of city council**

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

### **§ 36621. Initiation of proceedings; Petition of property or business owners in proposed district**

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

- (1) A map showing the boundaries of the district.
- (2) Information specifying where the complete management district plan can be obtained.
- (3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

## **§ 36622. Contents of management district plan**

The management district plan shall contain all of the following:

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected lands and businesses included. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements and activities proposed for each year of operation of the district and the maximum cost thereof.

(e) The total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the

expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof, including operation and maintenance. The plan may provide that all or any class or category of real property which is exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to assessment on real property.

(I) Any other item or matter required to be incorporated therein by the city council.

### **§ 36623. Procedure to levy assessment**

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with *Section 53753 of the Government Code*.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with *Section 54954.6 of the Government Code*, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. 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 or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

### **§ 36624. Changes to proposed assessments**

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements or activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

### **§ 36625. Resolution of formation**

(a) If the city council, following the public hearing, decides to establish the proposed property and business improvement district, the city council shall adopt a resolution of formation that shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement about whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements and activities to be provided in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements and activities funded by the assessments proposed to be levied.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

### **§ 36626. Resolution establishing district**

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in paragraphs (1) to (8), inclusive, of subdivision (b) of Section 36625, but need not contain information about the preliminary resolution if none has been adopted.

### **§ 36626.5. [Section repealed 1999.]**

**§ 36626.6. [Section repealed 1999.]**

**§ 36626.7. [Section repealed 1999.]**

**§ 36627. Notice and assessment diagram**

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk of the city shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

**§ 36628. Establishment of separate benefit zones within district; Categories of businesses**

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

**§ 36628.5. Assessments on businesses or property owners**

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements and activities.

**§ 36629. Provisions and procedures applicable to benefit zones and business categories**

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a parking and business improvement area.

**§ 36630. Expiration of district; Creation of new district**

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and a new district established pursuant to this part.

**§ 36631. Time and manner of collection of assessments; Delinquent payments**

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part shall be charged interest and penalties.

**§ 36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property**

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

**§ 36633. Time for contesting validity of assessment**

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

**§ 36634. Service contracts authorized to establish levels of city services**

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

**§ 36635. Request to modify management district plan**

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

**§ 36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention; Modification of improvements and activities by adoption of resolution after public hearing**

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public meetings and public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public meeting.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public meeting, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

**§ 36637. Reflection of modification in notices recorded and maps**

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

**§ 36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments**

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with *Section 6584*) of *Chapter 5 of Division 7 of Title 1 of the Government Code*). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and

the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

**§ 36641. [Section repealed 2001.]**

**§ 36642. [Section repealed 2001.]**

**§ 36643. [Section repealed 2001.]**

**§ 36650. Report by owners' association; Approval or modification by city council**

(a) The owners' association 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 improvements and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

(2) The improvements and activities to be provided for that fiscal year.

(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 real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

**§ 36651. Designation of owners' association to provide improvements and activities**

The management district plan may, but is not required to, state that an owners' association will provide the improvements or activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

**§ 36660. Renewal of district; Transfer or refund of remaining revenues; District term limit**

(a) Any district previously established whose term has expired, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

**§ 36670. Circumstances permitting disestablishment of district; Procedure**

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized

representatives of businesses in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

**§ 36671. Refund of remaining revenues upon disestablishment of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district**

(a) Upon the disestablishment of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

## APPENDIX 2 – LODGING BUSINESSES TO BE ASSESSED WITHIN THE STMD

Zone	Business Name	Business Address	Location/Collections
1	Amber House B & B	1315 22nd Street	City
1	American Inn	626 16th Street	City
1	America's Best Value-Downtown	430 16th Street	City
1	America's Best Value-Old Town	221 Jibboom Street	City
1	Best Western Sandman	236 Jibboom Street	City
1	Best Western Sutter House	1100 H Street	City
1	Capitol Park Hotel	1125 9th Street	City
1	Clarion Hotel Mansion Inn	700 16th Street	City
1	Comfort Suites	226 Jibboom Street	City
1	Congress Hotel	906 12th Street	City
1	Days Inn Sacramento	228 Jibboom Street	City
1	Delta King Hotel	1000 Front Street	City
1	Desert Sand Motel	623 16th Street	City
1	Econo Lodge-Downtown	711 16th Street	City
1	Embassy Suites Hotel	100 Capitol Mall	City
1	Governor's Inn	210 Richards Blvd.	City
1	Hawthorn Suites	321 Bercut Drive	City
1	Holiday Inn Capitol Plaza	300 J Street	City
1	Holiday Inn Express-Sacramento	726 16th Street	City
1	Hyatt Regency Sacramento	1209 L Street	City
1	Inn and Spa at Parkside	2116 6th Street	City
1	Inn Off Capitol Park	1530 N Street	City
1	La Quinta Inn	200 Jibboom Street	City
1	Marshall Hotel	1122 7th Street	City
1	Motel 6 #13 Downtown	1415 30th Street	City
1	Motel 6 #1305 Old Sacramento	227 Jibboom Street	City
1	Quality Inn	818 15th Street	City
1	Ramada Ltd.-Discovery Park	350 Bercut Drive	City
1	Residence Inn By Marriott-Capitol Park	1500 L Street	City
1	Sheraton Grand Sacramento	1230 J Street	City
1	Sterling Hotel	1300 H Street	City
1	Super 8-State Capitol	216 Bannon Street	City
1	The Citizen Hotel	926 J Street	City
1	Vagabond Inn-Midtown	1319 30th Street	City
1	Vagabond Inn-Old Town	909 3rd Street	City
1	Vizcaya	2019 21st St.	City
2	Best Western Expo Inn	1413 Howe Ave.	County
2	Best Budget Inn	986 El Camino Avenue	City
2	Best Budget Inn & Suites	3721 Watt Ave.	County

Zone	Business Name	Business Address	Location/Collections
2	Best Value Great Western Inn	4325 Watt Ave.	County
2	Courtyard Marriott-Cal Expo	1782 Tribute Rd.	City
2	DoubleTree Hotel	2001 Point West Way	City
2	Econo Lodge	2912 Auburn Blvd.	County
2	Economy Inn	939 El Camino Ave.	City
2	Extended Stay #939	2100 Harvard Street	City
2	Fairfield Inn-Cal Expo	1780 Tribute Rd.	City
2	The Greens Hotel	1700 Del Paso Blvd.	City
2	Hampton Inn & Suites-Natomas	2230 Auburn Blvd.	County
2	Hilton Sacramento Arden West	2200 Harvard Street	City
2	Holiday Inn Express-Cal Expo	2224 Auburn Blvd	County
2	Larkspur Landing	555 Howe Ave.	County
2	Motel 6 #4430 Cal Expo	2030 Arden Way	County
2	Plaza Hotel	1900 Canterbury Road	City
2	Ramada Plaza-Cal Expo	2600 Auburn Blvd.	County
2	Red Lion Sacramento Arden Village	1401 Arden Way	City
2	Residence Inn-Cal Expo	1530 Howe Ave.	County
2	Sands Motel	2160 Auburn Blvd.	City
2	Surf Motel	3204 Auburn Blvd.	County
2	Townplace Suites	1784 Tribute Rd.	City
2	Tradewinds Motel	2844 Auburn Blvd.	County
2	Woodlake Hotel	500 Leisure Lane	City
3	Courtyard Marriott-Sacramento	2101 River Plaza Drive	City
3	Extended Stay #936	3825 Rosin Court	City
3	Fairfield Inn & Suites-Natomas	2730 El Centro Rd.	County
3	Four Points by Sheraton	4900 Duckhorn Dr.	City
3	Hampton Inn & Suites- Natomas	3021 Advantage Way	City
3	Hilton Garden Inn-So. Natomas	2540 Venture Oaks Way	City
3	Holiday Inn Express-Natomas	2891 Advantage Way	City
3	Homestead Village	2810-2830 Gateway Oaks Drive	City
3	Homewood Suites	3001 Advantage Lane	City
3	Quality Inn Natomas	3796 Northgate Blvd.	City
3	Residence Inn-Natomas	2410 West El Camino Ave.	City
3	Sacramento 49er Travel Plaza	2828 El Centro Rd.	County
3	Springhill Suites Natomas	2555 Venture Oaks Way	City
3	Staybridge Sacramento	140 Promenade Circle	City
3	Super 8-El Centro	2654 El Centro Rd.	County
4	B & W Resort Marina	964 Brannan Island Rd.	County
4	Best Western John Jay Inn	15 Massie Court	City
4	Best Six Motel	5969 Stockton Blvd.	City
4	Best Western Med Park Inn & Suites	2356 Stockton Blvd.	City
4	Casa Linda Motel	9509 Folsom Blvd.	County
4	Comfort Inn & Suites	21 Howe Ave.	City
4	Courtyard Marriott-Midtown	4422 Y Street	City
4	Crowne Plaza	5231 Date Ave.	County

Zone	Business Name	Business Address	Location/Collections
4	Days Inn Sacramento	3425 Orange Grove	County
4	Deville Motel	2756 Stockton Blvd.	City
4	Fairfield Inn & Suites-Calvine	8058 Orchard Loop / EG	County
4	Gold Rush Inn	18 Massie Court	City
4	Gold Star Inn	6610 Stockton Blvd.	City
4	Good Nite Inn	25 Howe Ave.	City
4	Grand Island Mansion	13415 Grand Island Rd.	County
4	Hawthorn Suites by Wyndham	12180 Tributary Point Dr. / RC	County
4	Johnson's Greenbrier Motel	4331 Stockton Blvd.	City
4	La Quinta Inn #631	4604 Madison Avenue	County
4	Laguna Del Sol	8683 Rawhide Ln.	County
4	Le Rivage Hotel	4350 Riverside Blvd.	City
4	Lion's Gate Hotel & Cottage Suites	3410 Westover St., Bldg. 150	County
4	Moon River Inn at Freeport *	8201 Freeport Blvd.	County
4	Motel 6 #1005 Central	7850 College Town Dr.	City
4	Motel 6 #1025	4600 Watt Ave.	County
4	Motel 6 #1027 South	7780 Stockton Blvd.	City
4	Motel 6 #1043	7407 Elsie Ave.	County
4	Motel 6 #1306	5110 Interstate Ave.	County
4	Royal 8 Inn	6448 Stockton Blvd.	City
4	Ryde Hotel	14340 Hwy 160	County
4	Sky Riders Motel	6100 Freeport Blvd.	City
4	Stardust Motel	8637 Folsom Blvd.	City
4	Super 8-55th	7216 55th St.	County
4	Super 8-Madison	4317 Madison Ave.	County
4	The Villas at Arden Hills	1210 Arden Hills Lane	County
4	Travelodge	9646 Micron Ave.	County
4	Value Place	7789 La Mancha Wy	City
4	Vieira's Resort	15476 State Highway 160	County
4	Vince's Motel	9515 Folsom Blvd.	County