

**CITY OF WALNUT CREEK
RESOLUTION NO. 15-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT CREEK
DECLARING ITS INTENTION TO CHANGE THE BOUNDARIES OF AND LEVY AN
ANNUAL ASSESSMENT FOR FISCAL YEAR 2015-2016 FOR THE WALNUT CREEK
TOURISM BUSINESS IMPROVEMENT DISTRICT**

WHEREAS, pursuant to the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code § 36500 et seq.) (the "1989 BID Law"), the City Council has established the Walnut Creek Tourism Business Improvement District; and

WHEREAS, the City Council has, pursuant to section 36533(c) of the 1989 BID Law, approved the Annual Assessment Report for Fiscal Year 2015-2016, which proposes to expand the boundaries of the District to include two hotels outside of the boundaries of the City of Walnut Creek; and now proposes to give notice of its intention to levy an assessment for that fiscal year; and

WHEREAS, in order to include unincorporated territory within the boundaries of the TBID, the City must obtain the consent of the County Board of Supervisors, which the City Council has requested by separate resolution; and

WHEREAS, this resolution sets forth the City Council's intent to change the boundaries of and levy an annual assessment for the fiscal year 2015-2016 for the Walnut Creek Tourism Business Improvement District and schedules a public hearing therefore for February 17, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALNUT CREEK AS FOLLOWS:

Section 1. Pursuant to section 36534 of the 1989 BID Law, the City Council declares its intention to (a) change, with the consent of the County Board of Supervisors, the boundaries of the Walnut Creek Tourism Business Improvement District (the "District") to include certain territory outside of the City's boundaries so as to include two hotels outside of, but adjacent to, the boundaries of the City of Walnut Creek and (b) to levy and collect assessments within the District for fiscal year 2015-2016.

Section 2. The improvements and activities proposed for the District that shall be funded by the levy of assessments on hotels/motels that comprise the District may include, but are not limited to, marketing, advertising, public relations, publicizing visitor activities and attractions, and other related activities, such as acquisition, construction, installation, or maintenance of improvements identified in section 36510 of the 1989 BID Law.

Section 3. A map of the hotels comprising the Walnut Creek Tourism Business Improvement District is set forth in Exhibit "A," which is attached hereto and incorporated herein by reference.

Section 4. A full and detailed description of the improvements and activities for the fiscal year, a list of the hotels that comprise the district, and the proposed assessments for the fiscal year are found in The Annual Assessment Report for Fiscal Year 2015-2016 prepared by the Walnut Creek Chamber of Commerce on behalf of the TBID Advisory Board, which is on file with the City Clerk, Third Floor, City Hall, 1666 North Main Street, Walnut Creek, California.

Section 5. Businesses commenced during the fiscal year 2015-2016 shall be exempt from such assessments during that year, but shall be assessed the appropriate amounts as listed in the Assessment Report in subsequent years for which an assessment is levied.

Section 6. A public hearing is hereby called to be held before the City Council on the 17th day of February, 2015, at 7:00 PM, or as soon thereafter as this matter may be heard, in the Council Chambers at 1666 North Main Street, Walnut Creek, California 94596. The Council will hold the public hearing to consider the levy of the proposed assessments for fiscal year 2015-2016.

Written protests shall be filed with the City Clerk, Walnut Creek City Hall, at 1666 North Main Street, Walnut Creek, California 94596, at or before the time fixed for the hearing and shall contain a description of the hotel/motel business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the hotel/motel business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the hotel /motel business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of the hotel/motel businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated. Any person having a question regarding the hearing proceedings or the operation of the District may contact Ron Gerber, Economic Development Manager at (925) 256-3514.

Section 7. The City Clerk is directed to give notice of the public hearing by causing this resolution of intention to be published once not less than seven days before the public hearing.

PASSED AND ADOPTED by the City Council of the City of Walnut Creek at a regular meeting thereof held on the 3rd day of February, 2015 by the following called vote:

AYES: Councilmembers: Carlston, Haskew, Silva, Wedel, Mayor Simmons

NOES: Councilmembers: None

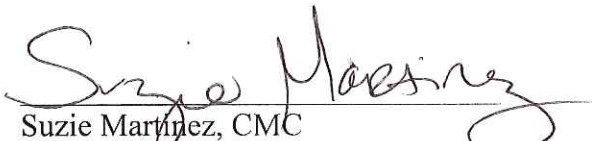
ABSENT: Councilmembers: None



Bob Simmons

Mayor of the City of Walnut Creek

Attest:


Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

I HEREBY CERTIFY the foregoing to be a true and correct copy of Resolution No. 15-04 duly passed and adopted by the City Council of Walnut Creek, County of Contra Costa, State of California, at a regular meeting of said Council held on the 3rd day of February, 2015.



Suzie Martinez, CMC
City Clerk of the City of Walnut Creek

EXHIBIT A

Hotel & Motel Parcels Comprising the Walnut Creek Tourism Business Improvement District 2015-2016

